Albert T. Moulton, Victor.
Marie E. Roos, Weippe.
Arthur N. MacQuivey, Wendell.

ILLINOIS

Herman H. Schultz, Bartlett.
Rufus D. Benton, Carthage.
Mary H. Hrdlicka, Cary Station.
Charles D. Ragsdale, De Soto.
Laurence E. Brookfelt, Dolton.
Frederick Rugen, Glenview.
John S. Redshaw, Granville.
Ida I. Shrader, Humboldt.
Charles Jackson, Joy.
John Gukeisen, Kenilworth.
Homer W. Witter, Kingston.
Rex C. Bliss, La Fayette.
Eugenie Culley, McClure.
William H. Weathers, Magnolia.
Harry R. Smith, Manlius.
Harry C. Smith, New Windsor.
William E. Kitch, Niantic.
William McKinley, Ogden.
Alice Murray, Oneida.
Oscar B. Harrauff, Princeton.
John C. Harned, Secor.
Chester O. Burgess, Sigel.
Oral Beck, Stewardson.
Fred Frazier, Viola.
Vera M. Carlson, Woodhull.

IOWA

Esther Y. Walster, Marble Rock.

MAINE

Charles W. Abbott, Albion.
George H. Williams, Alfred.

MASSACHUSETTS

Edmund Daly, Hingham.
Ella M. Harrington, Jefferson.
William J. O'Brien, Kingston.

MISSOURI

Henry L. Windler, Barnett.
Ada C. Luna, Gainesville.
James R. Murray, Harviell.
Joseph Snider, Ludlow.
Elizabeth E. Letton, Mindenmines.
William H. Reynolds, Smithton.
Dana Gerster, Stella.
Charles C. Stobeaugh, Triplett.
Horace L. Johnson, Winston.

NEW HAMPSHIRE

Josiah K. Rand, Fitzwilliam.
John E. Horne, Milton Mills.
Ralph E. Berry, Rye Beach.
Hugh C. Young, Sunapee.
Fay H. Elliott, West Stewartstown.

OHIO

Maurice M. Murray, Bluffton.
John W. Keel, Bolivar.
William H. Fellmeth, Canal Fulton.
Millard F. Cunard, Edison.
Jennie Fickes, Empire.
Frank J. Patterson, Glencoe.
Blanche M. Lauer, Lower Salem.
Ethel Shoemaker, Mount Blanchard.
Albert A. Sticksel, Newtown.
Glenn B. Rodgers, Washington Court House.

OKLAHOMA

Henry A. Ravia, Bessie.
Earl Leeper, Denoya.
Madge Morris, Lyman.
Charles F. Ritcheson, Maysville.
Katherine Anderson, Ninnekah.

PENNSYLVANIA

Sarah A. Conrath, Dixonville.

PORTO RICO

Leonor G. Lucca, Guayanilla.
Arturo G. Molina, Juncos.
Teodoro M. Lopez, Vega Baja.

SOUTH CAROLINA

Melvin L. Sipe, Fountain Inn.
Mark D. Batchelder, Frogmore.
Emory L. Spears, Lamar.
Annie H. Goblet, Mount Pleasant.
Jasper E. Watson, Travellers Rest.
James J. Vernon, jr., Wellford.

TEXAS

Fay Richardson, Asherton.
Thomas H. Castleton, Bay City.
Edward P. Johnson, Bertram.
James M. Stratton, Blum.
Jefferson F. House, Bridgeport.
Nora Platt, Browndel.
Jessie C. Bohannan, Brownfield.
Ira J. Gumm, Caddo.
Ralph B. Martin, Camden.
Dewitt T. Cook, Centerville.
Samuel J. Hott, Channing.
John J. Crockett, Chapel Hill.
John W. Claiborne, Charlotte.
Lillian B. Washburn, Clint.
Josephine W. Earnest, Cotulla.
Phillip L. Swatzell, DeKalb.
Alphonse Boog, D'Hanis.
Stanley F. N. Dolch, Eagle Pass.
William G. Shelton, East Bernard.
William R. Dickens, Eden.
Walter N. Ramsay, Eldorado.
Harvey W. Bridges, Enloe.
Emma Woody, Girard.
Robert N. Porter, Gregory.
France H. Baker, Hamilton.
John T. Wilson, Haskell.
John C. Ray, Hutto.
William E. Barron, Iola.
Sylvan S. McCrary, Joaquin.
John F. Range, Justin.
Alex E. Jungmann, Lacoste.
Edmund A. Giese, Lagrange.
Sislie Curtis, Larue.
Robert M. Hazlewood, Leander.
Jim H. McFarlin, Liberty Hill.
John L. Vaughan, Lubbock.
William I. Witherspoon, McAllen.
Henry O. Wilson, Marshall.
Emma Thompson, May.
Mayme O. Able, Melvin.
Charles K. Langford, Mertens.
Marion Zercher, Mount Vernon.
Charles A. Reiter, Muenster.
Minnie Kenney, Nash.
John R. Ware, Nederland.
Charles I. Snedecor, Needville.
Edmund A. Schulze, New Ulm.
Millard H. Edwards, Nixon.
Lydia Teller, Orange Grove.
August E. Dumont, Paducah.
Edward H. Reinhard, Poth.
Elena L. King, Presidio.
Cletus Dunham, Quitaque.
Casimiro P. Alvarez, Riogrande.
Mary M. Ferrel, Roby.
Sallie J. Mock, Roganville.
Robert G. Mobley, Santa Anna.
A. Delta Sanders, Scurry.
Robert A. Foster, Sipe Springs.
Minnie L. E. Walton, Swenson.
Lewis Kiser, Sylvester.
George M. Sewell, Talpa.
Delmer B. Stone, Telephone.
William R. Holton, Thornton.
Belle H. Stewart, Valentine.
Mary Erwin, Velasco.
Charles F. Boettcher, Weimar.
Pearl B. Monke, Weinert.
Aaron H. Russell, Willis.
Paul A. Taylor, Winfield.
Hugh F. Skelton, Wylie.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *December 10, 1924*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou eternal God, blessed is everyone who feareth Thee and walketh in Thy ways. May we offer Thee the most acceptable gift, which is a humble and a thankful heart. Thou alone art the source and inspiration of our highest hopes, our purest longings, and our best aspirations. Enrich our minds with knowledge and clear understanding and bless our hearts with grace divine. Thus we shall be prepared to pursue with the worthiest diligence the duties that are calling us. Thou hast bestowed upon us a marvelous dignity by creating us in Thy image. The Lord help us and direct us that we may never bring any reproach upon our birth-gift. By faithful service, by wholesome example, by purity of heart and cleanness of mind may we hallow Thy name to-day. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1343) entitled "An act to authorize the widening of Fourth Street south of Cedar Street NW., in the District of Columbia, and for other purposes."

The message also announced that the President pro tempore of the Senate, pursuant to the provisions of Senate Joint Resolution No. 85, had appointed the following Senators as members on the part of the Senate of the commission to arrange for the celebration of the two hundredth anniversary of the birth of George Washington: Mr. FESS, Mr. GLASS, Mr. SPENCER, and Mr. BAYARD.

The message also announced that the Senate had concurred in the following concurrent resolution:

House Concurrent Resolution 32

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, 1924, they stand adjourned until 12 o'clock meridian Monday, December 29, 1924.

DECLARATORY JUDGMENTS

Mr. MOORES of Indiana. Mr. Speaker, I hold in my hand a letter from Everett P. Wheeler, one of the most eminent lawyers in the country, a distinguished statesman at one time appointed to the Supreme Court, submitting an argument in favor of H. R. 5199, the Graham bill for declaratory judgments, one of the most important measures before the House, and I ask unanimous consent to extend my remarks in the RECORD by including therein this argument from the letter of Mr. Wheeler.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. MOORES of Indiana. Mr. Speaker, under leave granted to extend my remarks I insert an argument on legislation on declaratory judgments, as follows:

(H. R. 5194)

STATE LEGISLATION ON DECLARATORY JUDGMENTS

(By Prof. Edwin M. Borchard, Yale University School of Law)

Since the adoption in 1922 by the commissioners on uniform State laws of the uniform declaratory judgments act, this particular reform in the administration of justice has made rapid progress. The declaratory judgment, it will be recalled, enables parties who are uncertain of their legal rights and are pecuniarily or otherwise prejudiced by actual or potential adverse claims by others to invoke the aid of the courts for the determination of their rights before an injury has been done. The adverse claimant is cited and the issue is determined if the court believes that such adjudication performs a useful, practical function in the settlement of an actual or potential controversy. As an instrument of preventive justice the declaratory judgment thus differs in theory from the curative remedial judgment of the courts of common law which were deemed incapable of acting until an injury had occurred; and while courts of equity have had power by injunction to prevent an immediately threatened injury and other measures of equitable relief in specific types of cases have been possible, there has been no method heretofore of having a contract or other instrument, for example, construed before breach and before damage has accrued by one party or the other acting on his own interpretation. The social advantage of deciding differences of legal opinion and removing uncertainty and insecurity from legal relations before they have ripened into a full-grown hostile litigation will be readily appreciated. (Sunderland, A modern evolution in remedial rights, 16 Mich. L. Rev. 69 (1917); Borchard, The declaratory judgment—a needed procedural reform, 28 Yale L. Jour. 1, 105 (1918); Kerr, Declaration of rights without consequential relief, 53 Amer. L. Rev. 161 (1919); Vinje, Declaratory relief, 4 Marquette L. Rev. 106 (1920); Schoonmaker, Declaratory judgments, 5 Minn. L. Rev. 32 (1920); Dodd, Progress of preventive justice, 6 Amer. Bar Asso. Jour. 151 (1920); Gates, Declaratory relief, 1920 proceedings of Tennessee Bar Association, 41; Cooper, Locking the stable door before the horse is stolen, 16 Ill. L. Rev. 436 (1922); Gordon, The law of declaratory judgments and its progress, 9 Va. L. Rev. 169 (1923); Torrey, The declaratory judgment, 8 Iowa Law Bulletin, 81 (1923).) The important social service thus obtainable from the courts has recently induced the legislatures of several of the States to confer upon the courts power to render declaratory judgments.

Although the practice has been known in England since 1852, and on the European Continent and in Scotland for hundreds of years prior thereto, it was not until 1915 that our States began to take any serious interest in this procedural reform. (A few traces of conscious adoption of this form of relief may be found in the California practice act, section 527, of 1850, enabling adverse claims to money or property to be determined. (See King *v.* Hall, 1885, 5 Cal. 83, and in Rhode Island Acts of 1876, ch. 563, sec. 17, enabling declarations of right to be made by the courts.) But when this was construed to require the existence of a possibility of obtaining coercive relief (Hanley *v.* Wetmore, 1886, 15 R. I. 386; 6 Atl. 777), it practically nullified the declaratory relief. Courts of equity in some States have also had statutory power to construe wills; and in various cases, such as the removal of clouds from title, courts of equity had unwittingly, in a restricted class of cases, been rendering declaratory judgments. The class of cases under the new statutes is made practically unlimited.) In 1915 New Jersey, in its practice act (ch. 116, sec. 7) adopted a provision enabling the courts, upon the request of an interested party, to construe "a deed, will, or other written instrument" and declare the rights of the parties thereunder. (The principal cases that have arisen under this act are In re Ungaro's Will (1917), 88 N. J. Eq. 25, 102 Atl. 244; Renwick *v.* Hay (1919), 90 N. J. Eq. 148, 106 Atl. 547; Town of Kearny *v.* Mayor of Bayonne (1919), 90 N. J. Eq. 499, 108 Atl. 121, 29 Yale L. Jour. 545.) This gave only a limited scope to the power to render declaratory judgments in accordance with the English Rules of Court, Order LIV a, of 1893. In this restricted form the declaratory relief was adopted by Florida in 1919. (Florida, Laws 1919, ch. 7857 (No. 75). See 20 Columbia L. Rev. 106.)

In Connecticut there has been since 1915 a statute enabling parties claiming adverse interests in real or personal property to have the title tried and settled. (Conn., Public Acts 1915, ch. 174, sec. 1, 2 Gen. Stat. 1918, sec. 5113. Ackerman *v.* Union & New Haven Trust Co. (1915), 90 Conn. 63, 96 Atl. 149 (1917); 91 Conn. 500, 506, 100 Atl. 22.) There was therefore some justification for believing that a widening of the power to render declaratory judgments would be favorably entertained.

In 1919, after several writers in periodical articles and committees of State bar associations had advocated the reform, the movement acquired vigor and momentum. In that year, in addition to Florida, Michigan (Michigan, Pub. Acts 1919, No. 150, p. 278), and Wisconsin (Wisconsin, Laws 1919, ch. 242, sec. 2687 m. p. 253. See Mr. Justice Vinje in 4 Marquette L. Nov. 106), empowered their courts to render declaratory judgments without limitation as to types of cases. But in Michigan and Wisconsin the statutes have met an unhappy and undeserved fate. The Michigan Supreme Court, in a decision which, it is believed, has been uniformly condemned by every reviewer of the case, held the Michigan act unconstitutional on the alleged ground that it conferred on the courts nonjudicial power. (Anway *v.* Grand Rapids Ry. Co. (1920), 211 Mich. 592; 179 NW. 350; 12 A. L. R. 26, 62. See comments in 19 Mich. L. Rev. 86; 30 Yale L. Jour. 161; 21 Columbia L. Rev. 168; 4 Illinois L. Quar. 126; 6 Amer. Bar Asso. J. 145; 7 Ibid. 141; 7 Cornell L. Q. 255; and the following articles: Rice in 28 West Va., West Va. L. Quar. 1, and Schoonmaker in 5 Minn. L. Rev. 172.) As so often happens, the facts of the first case are almost vital to the issue of constitutionality of a statute, and the facts in the Anway case were most unfortunate. A statute in Michigan provided that no public-service company should require any employee to work for it more than six days a week. The plaintiff, an employee, brought an action for a declaration against the street railway company to the effect that under the statute he had the privilege to work more than six days a week, if he chose. Both parties had the same interest, and there was no controversy, a sufficient reason for declining, in the admitted discretion of the court, to render a declaratory judgment, but no reason for holding such power itself unconstitutional. A labor union intervened. The majority of the court, on its own initiative, confusing the declaratory judgment with an advisory opinion and a moot case, from which it

differs fundamentally, and invoking other irrelevant prejudices, held the act unconstitutional, against a dissenting opinion which clearly pointed out the majority's error. The decision, however erroneous, seems for the present to have effectually blockaded the movement in Michigan.

But perhaps equally surprising is the recent action of Wisconsin (Wis., acts 1923, ch. 440; (1924) 2 Wis. L. Rev. 376. In one interesting case in Wisconsin the constitutionality of the act seems to have been assumed, the court holding that members of a fraternal society who under an existing policy would obtain a certain pension at the age of 70 had no such vested interest as could not be modified by a change in the by-laws. United Order of Foresters v. Miller (1922) 178 Wis. 299, 190 N. W. 198. The Wisconsin Supreme Court expressed no doubt on the question of constitutionality. Judge Rodenbeck in New York, Board of Education v. Van Zandt (1921), 119 Misc. 124, said that the constitutionality of "such a procedure is not open to question." The same conclusion has been reached by the Connecticut Supreme Court, Braman v. Babcock (1923), 98 Conn. 549, 120 Atl. 150, and by the California Supreme Court, Blakeslee v. Wilson (1923), 213 Pac. 495) in repealing its statute of 1919, on the asserted initiative of the Attorney General, on the alleged ground that he feared the act, in view of the Michigan decision of 1920, to be unconstitutional, and on the further supposed ground that the act gave too much power to the courts. It is hard to give serious consideration to such a misconceived objection.

In 1920 New York adopted the provision for declaratory judgments as section 473 of its new civil practice act. It is a short form, giving the highest court of original jurisdiction the broadest power, without limitation as to subject matter. It was felt that experience, as in England, would work out such limitations as might be necessary. The section, which is an adaptation of the broad English Order XXV of 1883, reads:

> "The Supreme Court shall have power in any action or proceeding to declare rights and other legal relations on request for such declaration, whether or not further relief is or could be claimed, and such declaration shall have the force of a final judgment. Such provisions shall be made by rules as may be necessary and proper to carry into effect the provisions of this section."

Rules 210 to 214 were then drafted, by virtue of which the practice is assimilated to that prevailing in other actions, the form of prayer for relief is indicated, the court's duty to issue the declaration as well as the assessment of costs is made discretionary, and submission of disputed facts to a jury is provided for. Under the New York act several important cases have been brought. (Declaration sought that a "news reel" was not subject to the censorship of the ordinary exhibition; held, that it was. Pathé Exchange v. Cobb (1922), 202 App. Div. 450, 236 N. Y. 37. Action for a declaration by the board of education against the board of estimate of Rochester that the tax limit of 2 per cent on assessed valuation for "city purposes" was exclusive and not inclusive of school funds; held, for defendant. Board of Education v. Van Zandt (1922), 119 Misc. 124, 204 App. Div. 856, aff. 234 N. Y. 644, 23 Columbia L. Rev. 69. Action for a declaration by a street-railway company against the city of New York that the plaintiff's construction of a franchise contract was correct; so held. The action was brought just before expiration of the renewal period, whereby breach and irreparable damage was avoided. Manhattan Bridge Three Cent Line v. City of New York (1922), 204 App. Div. 89, 236 N. Y. 57. Action for a declaration that under a contract of sale of a newspaper having political advertising patronage, reserving bills payable to the plaintiff seller and assigning political patronage to the buyer, an accrued bill for past advertising in hands of State comptroller was "bills payable" and not "political patronage"; so held. Durant v. Whedon (1922), 201 App. Div. 196. Action by Comptroller Craig against sinking-fund commissioners of New York City asking for a declaration that a city ordinance and the city charter disabled the commissioners from passing any binding resolution (in this case for the sale of city buildings to provide land for schools) without the comptroller's presence; so held. (Appellate Division, 1st Dept., January, 1924; New York Law Journal, February 23, 1924.) The court in this case said: "It would be difficult to find a more appropriate case for the application of the law permitting declaratory judgments.")

In the sessions of the 1921 legislatures three States and Hawaii adopted the wide form of declaratory judgment procedure, namely, Connecticut, Kansas, and California. (Connecticut, Acts 1921, ch. 258, Rules of Practice, 62–66; Kansas, Acts 1921, ch. 168; California, Stat. 1921, ch. 463, Code of Civil Procedure, sec. 1062; Hawaii, Laws 1921, ch. 162.) In the meantime the Commissioners on Uniform State Laws had begun to study a draft of a uniform act, which they finally approved in 1922.

The Connecticut act closely follows the New York short form and gives to the courts supplementary rule-making power. The Connecticut Supreme Court, already accustomed to a limited type of declaratory action, has unanimously and with strong approval sustained the more extensive power conferred by the 1921 act in several interesting actions for declarations. (Braman v. Babcock (1923) 98 Conn. 549, 120 Atl. 150, in which plaintiff asked for a declaration that he was the person mentioned as legatee in a certain will; while sustaining their general power to issue declarations, the court declined in this case because the land affected was located in Rhode Island. Joy Co. v. New Amsterdam Casualty Co. (1923), 98 Conn. 794, 120 Atl. 684, in which plaintiff, a contractor, whose rights against a surety company had to be invoked within a limited time and depended upon the liability of his subcontractor to certain lienors, sought a declaration as to the amount due the lienors; the declaration was issued. Lehmaier v. Bedford (1923), 99 Conn. 468, 121 Atl. 810, in which a certain life director of a hospital association brought an action against the elected directors for a construction of the articles of association and a declaration that the life directors were privileged to vote in all matters; so held.)

The Kansas act of 1921 closely follows the Michigan act of 1919, as does the act of Hawaii. Its major difference lies in the introduction of the words "in cases of actual controversy," the absence of which seemed to be relied upon by the Michigan court in the Anway case to justify their holding the Michigan act unconstitutional. As already observed, such a conclusion was entirely unnecessary, for nobody thought of conferring upon the courts power to decide imaginary, academic, or moot cases, and it was gratuitous to assume that the Michigan act required the court to do so. Under their discretion, as have courts of equity from time immemorial, they would and should have refused to decide such cases without drawing the altogether unfounded inference that the Michigan act imposed any such alleged duty upon them. Nevertheless, to make assurance doubly sure, the Kansas act sought to avoid any such pitfall, though invented for the occasion and fathered by the prejudice of the Michigan court, and inserted the words "in cases of actual controversy." Relying in part upon these words, though actually discrediting the Michigan decision, the Kansas Supreme Court has held the Kansas act constitutional. (State ex rel. Hopkins v. Grove (1921), 109 Kans. 619, 201 Pac. 83, 19 A. L. R. 1124, in which the plaintiff, the State, sought a declaration that the defendant, employed by the Missouri Pacific Railroad, was not eligible to the office of city commissioner, under a State statute, because his employer held a franchise from the city; so held. State v. Wooster (1922), 111 Kans. 830, 208 Pac. 656 (declaring the powers of a State board of education); State v. Kansas City (1922), 110 Kans. 603, 204 Pac. 690, 20 Mich. L. Rvw. 775, declaring the power of a city to issue bonds of a certain type. See the tribute to the declaratory judgment rendered in this case by Burch J.) It is believed that the words "in cases of actual controversy" are surplusage and unnecessary, yet by the fact that an issue has been raised upon them, it may induce certain courts possibly hostile to the new procedure to give too narrow an interpretation to the word "actual," and thereby deny relief in many cases of removal of clouds from rights and other legal relations, where it should be granted. The issue thus raised persuaded the American Bar Association Committee on Jurisprudence to insert the words in question in the proposed Federal act, now pending before the House and Senate Committees on the Judiciary, for which action they claim to derive additional support from the case of Muskrat v. United States (1911), 219 U. S. 346. The precaution is not believed to be necessary except to discount possible prejudice.

The California act does not follow closely either the short act of New York or the Kansas act, but constitutes an intermediate form, not essentially different in substance from the Kansas act. (California legislation of 1921, providing for declaratory relief, by Maurice W. Harrison (1921), 9 California L. Rev. 359.) Though first held unconstitutional in an inferior court in Los Angeles, which relied upon the Michigan decision and seemed unaware of the then decided Grove case in Kansas (Newberry v. Newberry, Los Angeles Superior Court, commented upon adversely in 10 California L. Rev. 158), the Supreme Court of California in a convincing decision has recently held the act unconstitutional. (Blakeslee v. Wilson (1923), 190 Calif. 479, 213 Pac. 495, 4 Iowa Law Bull. 272, declaring the plaintiff's rights under a contract of employment as attorney of defendant.)

In 1922 the uniform declaratory judgments act was finally adopted by the commissioners on uniform State laws. That action gave considerable impetus to the new movement. The act contains 16 sections, of which 6 are procedural in character. This is due to the fact that many of our States do not yet confer upon their courts any rule-making authority; hence the necessity of incorporating procedural rules in the body of the legislation. The first section confers on the courts the broad powers of the English Order XXV, 1883, and the New York act, and the second section the power to construe written instruments, including statutes, etc., following the English Order LIV a, 1893, and the New Jersey and Florida restricted statutes. Sections 3 and 4 prescribe further details of types of cases in which declarations may issue, but section 5 points out that the enumeration is not exclusive. By section 6 and following, the court's power is expressly made discretionary, the power of review is

preserved, supplemental relief is provided for, a jury trial of issues of fact is reserved, and costs and parties to the action, and certain questions of statutory construction are dealt with. The uniform act omits the phrase "in cases of actual controversy." Where procedure differs so greatly from State to State it was not easy to draft a procedural statute which could accommodate itself to the divergent practice of the different States.

In 1922 Kentucky and Virginia and South Carolina were added to the States which have made provision for declaratory judgments. (Kentucky, Acts 1922, ch. 83; Virginia, Acts 1922, ch. 517; South Carolina, Statutes at Large 1922, ch. 542. In Proctor v. Avondale Heights Co. (1923 Ky.; 255 S. W. 81) the Kentucky court construed the act in an action by a land company, asserting their power and privilege to convey to a water company certain lots reserved among others for parks.) Kentucky, using the uniform act and the Kansas act as models, redrafted a statute of its own, and Virginia, with the addition of two sections relating to local venue, adopted practically the Kansas act.

In 1923 the effect of the proposal of a uniform act became apparent. Five States in their 1923 sessions adopted the uniform act—Pennsylvania, Tennessee, Colorado, Wyoming, and North Dakota. (Pennsylvania, Laws 1923, ch. 321; Tennessee, Acts 1923, ch. 29; Colorado, Acts 1923, ch. 98; Wyoming, Acts 1923, ch. 50; North Dakota, Acts 1923, ch. 237.) The act has recently been held constitutional in a unanimous and convincing opinion of the Tennessee Supreme Court. (Miller v. Miller (1923 Tenn.; 261 S. W. 965). See (1924) 34 Yale Law Journal, 109.) Bills providing for the declaratory judgments have passed one house of the legislature in several States and have been introduced in many more. It is hoped that the Federal bill, which was first introduced in Congress in 1919, and which with minor changes has since received the active support of the American Bar Association, will soon be enacted by Congress. It is believed that with the issue of constitutionality probably finally removed from doubt and with the continued use of this relief in the States which have already made provision therefor that statutes will soon be enacted in most of the other jurisdictions of the country and that the public may look forward hopefully to a more simple and efficient method of adjusting many conflicting interests and to an enlarged social service from its courts.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

THE NAVAL SERVICE

Mr. BUTLER (when the Committee on Naval Affairs was called). Mr. Speaker, by direction of the Committee on Naval Affairs, I call up the bill H. R. 2688, providing for sundry matters affecting the Naval Service, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 2688. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Ohio [Mr. BEGG] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2688, with Mr. BEGG in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk reported the title of the bill.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. BLANTON. I shall not object, with the understanding that there shall be given liberality of debate on certain items to which there is serious objection.

Mr. BUTLER. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. We will have no trouble about agreeing with my friend on that. The rule provides that there may be one hour of debate upon either side. There is no request upon our side for any discussion, and I ask my colleague from Georgia whether there is any on his?

Mr. VINSON of Georgia. Mr. Chairman, there is no request over here for any time that I know of. In any event, I am in favor of the bill, and I would not be entitled to control the time.

Mr. WINGO. If there is an hour going to waste anywhere, I shall be glad to take it.

Mr. BLANTON. Mr. Chairman, there are two items in this bill to which I have serious objection, and I want a little time on them. Of course, if the gentleman from Arkansas desires to control the time he outranks me and would be entitled to it.

Mr. WINGO. Oh, I may be pretty rank, but I am not as rank as the gentleman from Texas.

Mr. BLANTON. I would ask for recognition if there is no member of the committee who is opposed to the bill, in case the gentleman from Arkansas does not want recognition.

Mr. VINSON of Georgia. I submit the gentleman is not entitled to recognition unless he is against the bill in its entirety.

Mr. BLANTON. I am against the bill, and if it remains in the same shape it is in now I shall vote against it.

The CHAIRMAN. Under the rules of the House the gentleman from Pennsylvania [Mr. BUTLER] is recognized for one hour and then if there is no gentleman on the committee opposed to the bill, and there is some other gentleman who is opposed to the bill, that gentleman will be recognized for one hour.

Mr. BUTLER. Mr. Chairman, inasmuch as this House practically without division has passed this bill just as it is, and in order that we can submit it quickly I reserve the remainder of my time.

Mr. VINSON of Georgia. Mr. Chairman, I ask for recognition after the gentleman from Pennsylvania has consumed his hour.

Mr. WINGO. He has reserved his time.

Mr. VINSON of Georgia. I reserve the hour.

Mr. BLANTON. I yield my claim for recognition to the gentleman from Georgia [Mr. VINSON].

The CHAIRMAN. Is there any gentleman opposed to the bill demanding recognition; if not, the Chair will recognize the gentleman from Georgia to control the time in opposition to the bill.

Mr. VINSON of Georgia. Mr. Chairman, I reserve my time and yield to the gentleman from Texas [Mr. BLANTON] 20 minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, I realize that this bill in its present form substantially has been heretofore passed by the House, but that does not keep me from continuing the fight I have made against it heretofore in some particulars. There are several provisions in this bill that are unobjectionable, I guess, practically to all the Members, and should be passed into law, but because of that fact is no reason why there should be objectionable features incorporated in this blanket bill, and passed along with the good provisions.

There is a provision in this bill which takes away from the Congress the right to pass upon claims against the Government that could involve huge sums of money, running up into the hundreds of thousands of dollars, and even into the millions. I am not yet ready to assign to others the duty which the law has placed upon me as one of the 435 Members of this House to pass upon claims that draw so heavily upon the people's Treasury when the money is to come out of the pockets of the taxpayers.

Mr. BRITTEN. Will the gentleman yield? Does the gentleman object to yielding at this time?

Mr. BLANTON. Certainly not; however, the gentleman had a whole hour at his disposal and did not make use of any of it to explain the bill.

Mr. BRITTEN. I would like to call my friend's attention——

Mr. BLANTON. Whenever the gentleman wants me to do something, knowing a great deal about the gentleman, I never oppose him either in the gymnasium or elsewhere. I yield.

Mr. BRITTEN. We have always been very good friends. My friend was referring to the contractors' relief bill which in its present form has been twice passed by the House which merely authorizes the Secretary of the Navy to make investigation and report to Congress through the Bureau of the Budget, the estimate of loss or damage, nothing else.

Mr. BLANTON. I know, but to that extent it is assuming the function of Congress. The gentleman from Illinois is a well-posted and prominent Member of this House and he knows that whenever a department of Government makes a recommendation to Congress and the Bureau of the Budget backs them up and makes an estimate and makes a recommendation for appropriation, Congress allows the claim and passes the appropriation, without any serious objection, and we are not often given the right even to discuss it on the floor.

Mr. BRITTEN. Just at that point, if the gentleman pleases, the gentleman can get more time——

Mr. BLANTON. I had hoped not to consume the time I have.

Mr. BRITTEN. If the Government owes a contractor $100,000——

Mr. BLANTON. Or $100,000,000.

Mr. BRITTEN. Or $100,000,000, and the claim is thoroughly and honestly investigated and goes to the Bureau of the Budget and then recommended to the Committee on Appropriations, and again is investigated by that committee and found just and equitable, does not the gentleman think that in all fairness the Government should pay that debt?

Mr. BLANTON. I will answer the gentleman. If it is a just claim, yes.

Mr. BRITTEN. That is all the bill contemplates.

Mr. BLANTON. But either a court or Congress should determine its justness. If the contractor should not be able to get his claim of a million dollars or more, and which in many cases is a fictitious claim, allowed under all the laws we have already passed for the benefit of war contractors, and we should now pass for him a blanket provision first for the Secretary of the Navy to pass on his claim——

Mr. BRITTEN. To investigate his claim and make report.

Mr. BLANTON. I said pass on his claim. And that means investigate his claim, and the Secretary of the Navy, when he goes to pass on it discovers that the claimant is a very particular friend of the Secretary of the Navy, or that he is a very particular friend of the President, or a very particular friend of some other Cabinet officer, or has been very close to the administration, it might happen that the investigation would not be as intense as it otherwise might be, for that is a condition that arises sometimes in governmental affairs. It has not been so very long since another body, not a partisan body, because there were Republican votes there, passed a resolution asking the President to remove a Secretary of the Navy. Remove him for what? For something that he should not have done, something that was violative of the interests of the people of the United States. Well, that has been such a recent event in history that I am a little careful about giving my vote to a resolution or a bill that will place in some other Secretary the authority and the power to put before Congress an adjudicated claim which as a matter of fact has not been adjudicated, but merely passed upon superficially by the department with a recommendation that Congress allow the money. It ought not to be done.

Mr. BRITTEN. Just at that point, will my friend yield to me for a moment?

Mr. BLANTON. Certainly.

Mr. BRITTEN. The Committee on Naval Affairs is in accord with the gentleman in his desire. You will notice that at the bottom of page 11 we have this language:

> But such findings so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government.

Mr. BLANTON. I know that language is there, but it is without value, because whenever the Secretary makes us a recommendation the Appropriation Committee allows it and pays the claim.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKEOWN. What effect does that have on the right of the claimant to go to the Court of Claims? Why not have him go to the Court of Claims?

Mr. BLANTON. That is as far as we ought to go in any case. I have objected to many private bills on the calendar—my colleagues know that—not to give offense to any of them; but I know that I have made them feel angry toward me many time when I objected to private bills. I did it from a sense of duty. But I have never objected yet to a bill which merely gave a man a right to go to the courts. Whenever you introduce a bill here to give your friend a right to go to court and have his case adjudicated by the legal officials of the Government I am for it. I am willing to do that. That is as far as a contractor who has a claim mounting up to millions of dollars against this Government ought to ask of Congress.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. VINSON of Georgia. A great many contractors have followed that line of reasoning and have gone to the Court of Claims, and the Government has filed a demurrer and claimed that the Court of Claims has not jurisdiction. That is the reason why they come to Congress and ask for a day in court.

Mr. BLANTON. Then let us confer jurisdiction on the Court of Claims. The Secretary of the Navy is not a judicial officer. He can not make a judicial determination of matters that may involve hundreds of millions of dollars.

Let me say this to my friend from Illinois [Mr. BRITTEN]: If he is sued to-morrow, not for a million dollars but for $5,000 in a courthouse, he would not have a nonjudicial officer to pass upon his rights as against the rights of somebody else. He would have a court. He would want a court. He would want a judicial officer. He would fight that case just as strongly as he would if it embraced a claim of $500,000. But when it comes to a claim against the Government, we are in the habit of frittering away the right of the Government to have a judicial ascertainment. The Secretary of the Navy is not in a position to have a judicial ascertainment of these matters. He is not a judicial officer.

Mr. LEHLBACH. Is the Comptroller General a judicial officer?

Mr. BLANTON. We have created him and made him a quasi judicial officer. If the gentleman would investigate the number of highly paid high-class lawyers connected with the office of the Comptroller General who help him, he would think he was a judicial officer, because he has access to much judicial knowledge paid for by the people.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKEOWN. What objection would these contractors have to going into a forum where they could submit their claims and have them passed upon?

Mr. BLANTON. I will say this to the distinguished former jurist from Oklahoma: They do not want the law, and they do not want equity; they do not want judicial or equitable principles applied to their claims. They do not want some of their claims scrutinized properly. They ask equity when they do not want to do equity. One of the cardinal principles in a court of equity is that he who seeks equity must come into a court of equity with clean hands. These claimants do not want to do that part of it. They are after something for nothing, some of them. That is why they are seeking to have a nonjudicial officer at this time pass upon their claims involving sometimes several millions of dollars.

The war is over. Let us forget about it. Let us forget about these fictitious war claims, as many of them are, where claimants are clamoring, not before the courts but before the departments of the Government, for favoritism. I am against favoritism, and I am in favor of giving every man a square deal under the law. Let him go to the courts, where every case can be adjudicated on its merits.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BRITTEN. It is shown that the contractors have no status in any court. They must come to Congress for relief.

Mr. BLANTON. Let us pass upon the claims, then. Let us not pass the buck to somebody else. When we vote to take tax money out of the people's Treasury I want to be responsible to the people for a mistake, if there is one. I do not want to pass it on to somebody else and let them make a mistake and then be responsible to the people for it.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKEOWN. What is the matter with the claims where the courts hold that the claimants have no claims against the Government? Are they so flimsy?

Mr. BLANTON. Yes; in many cases. They are not legal claims and are subject to a demurrer. Their equitable standing is not such as would bring them within the jurisdiction of the Court of Claims, but we could confer jurisdiction by an amendment.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LEHLBACH. The gentleman says if this is within the jurisdiction of Congress and not in the jurisdiction of the Court of Claims, Congress should pass upon them. That is merely what this bill does. This bill merely says that when a claim is presented to the Secretary of the Navy he shall thoroughly examine it and report to Congress his findings for information, so that we will not be flimflammed when we examine the evidence before us.

Mr. BLANTON. These claims are old. How many years has it been since the war closed?

Mr. BUTLER. I will say to the gentleman that we have been at this since 1919.

Mr. BLANTON. I know, for I have been fighting against this bill almost that long.

Mr. BUTLER. And the bills have been passed back and forth.

Mr. BLANTON. But has never yet been enacted into law. I will tell you what is the matter with the situation. Everybody in this House loves the chairman of this committee, and he loves everybody else. He has a heart in his breast as big as a barrel; he is just sympathy from the top of his head to the

soles of his feet, and these contractors come here and take advantage of that situation. [Laughter.]

Mr. BUTLER. I will say to the gentleman that I will pay the claims myself if he does not take back that language. [Laughter.]

Mr. BLANTON. Here is what will happen if we pass this bill and it becomes law: The Secretary will not pass on these claims himself; he will have some underling in his department pass upon them. These claimants will find out all about this underling who is to pass on their claims—just exactly who his friends are, what his inclinations are, what his habits are, and what will bring influence to bear upon him, not improper influence but proper influence to bear upon him in order to make him look favorably upon their claims. Then, if they convert him, he will make a recommendation that a certain claim is good and will ask Congress to pay it. The recommendation will be signed by the Secretary of the Navy. The Budget Committee will approve it. When they come in with that information do we take up these claims seriatim and pass on them? No. They are all put into an appropriation bill and promptly passed, or put into special bills, and then about two days before the adjournment of Congress the Members who are especially interested in them and who have these contractors in their districts will get up here with these bills, and just one bill after another will be read and passed with no debate and with no time for consideration; they will be passed just like clockwork, lots of times without any reading at all. You know that happened just before we adjourned here not long ago, and that is what will happen as to these bills. There will not be proper consideration by Members of Congress, as you and I know.

I would like to vote for any bill which the gentleman from Pennsylvania [Mr. BUTLER] brings in, but this provision ought to come out of this bill.

Mr. BUTLER. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. BUTLER. I want to say to my friend that there will be nothing done in a rush here.

Mr. CROSSER. Will the gentleman from Texas yield?

Mr. BLANTON. Yes.

Mr. CROSSER. Do I understand the gentleman to say that these men have no right to go into the Court of Claims with their claims?

Mr. BLANTON. Not without jurisdiction being conferred. Some of them are so foreign to law and equity that I will say they have no right.

Mr. CROSSER. They have the right to go in and file their claims and have them litigated, have they not? [Cries of "No!" "No!"]

Mr. BLANTON. In most instances now the Court of Claims has no jurisdiction.

Mr. CROSSER. If that is so, does not the gentleman think we ought to give them an opportunity to go to the Court of Claims and litigate their claims?

Mr. BLANTON. That is what I have been suggesting to the gentleman from Illinois [Mr. BRITTEN], and I shall offer an amendment authorizing it. Where they have meritorious claims let them go either to the Court of Claims or to our Claims Committee. We have splendid work being done in our Claims Committee now. I want to say that.

I can mention two of my colleagues especially, the gentleman from North Carolina [Mr. BULWINKLE] and the gentleman from Texas [Mr. BOX]. They are looking into those claims carefully, and there are other Members I could mention. Let the group of contractors affected by this bill, whose claims are found by the Secretary to be meritorious, submit their claims to the Court of Claims, with jurisdiction conferred, and then let all others bring their meritorious cases before the Claims Committee, and if they have any merit in them at all that committee will bring in a bill conferring jurisdiction on the Court of Claims. That will permit them all to try their claims before that court, and there would not be a vote on the floor of the House against such action, because I have never heard Members vote against giving a man his day in court. But we should not have this kind of a nonjudicial investigation in connection with the determination of claims involving millions of dollars of the people's money. I hope the gentlemen will not urge this provision in the bill.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. GARRETT of Tennessee. Except as it may affect the jurisdiction of a committee in the House, I confess I am unable to see, from a hasty reading of the section which the gentleman is discussing, where it changes the present practice. If a bill were introduced for the relief of a contractor now and that bill were sent to the Committee on Claims, under the prevailing practice it would be referred to the Navy Department, would it not? That is the prevailing practice of the Committee on Claims; at least it was when I was a member of that committee.

Mr. BLANTON. I recognize what is in the mind of the minority leader. I want to say this: That when the Claims Committee passes on these matters they make them separate legislative items when they find them to be meritorious, but where we submit such matters to a department for investigation and that department finds that a certain claim is meritorious and should be paid, the Budget committee then comes in and makes an estimate.

The Committee on Appropriations follows that up by bringing in a blanket appropriation bill providing money to pay off every one of these so-called adjudicated claims, and this membership has not any right then to come in here and demand recognition and take the time of the House to fight them. They come in under a blanket bill and not as individual matters.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, we all appreciate the energy and watchful care of the gentleman from Texas [Mr. BLANTON], but I am sure there is one thought that has occurred to some of the Members as it has to me. We should be genuinely glad if, along with our appreciation of his diligence, we could also have an appreciation of the fact that he could and would make a distinction between a legitimate, cautious vigilance in protecting the Public Treasury and a continuing presumption of suspicion of integrity of public officials. That is one of the things from which the House suffers—the very charge that he brings against the officers of the Navy.

There is too much of encouraging the applied presumption in the public mind that Members of Congress are either inefficient or, to be charitable, negligent of the public interest, and the gentleman brings that charge against the Navy Department.

Gentlemen, no one is exasperated more often than I am by the natural defects in the temperament of members of the Army and the Navy; defects that are natural and grow out of their special training; but let us be fair to these officers. They do not deserve the imputation that the gentleman from Texas throws at them, that because, forsooth, some contractor may be their friend they will be any more negligent of their official duty or will disregard their oath any more than would some man on the bench. The claims of personal friendship appeal to the judge on the bench just like they do a Member of Congress, no more and no less; and while we do have graft and fraud exposed in the departments at times, I think we are safe in assuming, until there is proof to the contrary, that the average official who comes to a position of responsibility in either the Navy or any other department, nine times out of ten, is not only intelligent but has just about as much regard for his public duty as has a Member of Congress. Let us be fair with them. [Applause.]

Now, my friend meets himself coming back on this proposition. Just what do we propose to do? Do we propose to do for these Navy contractors what we did for the War Department contractors? No. Do we propose to do for them what we did for the war minerals contractors? No. What do we propose to do? They have been knocking at the door of the only court that has jurisdiction—the legislative branch of the Government—ever since the war has closed.

The gentleman from Texas asked how long it has been since the war closed. If you were one of these contractors and you felt you had an honest claim against your Government, would you not be asking how long it has been since you suffered this loss, if Congress through jealousy or through a desire of one branch to lug something onto a bill of the other branch which it refused to accept, had denied you a day in court, but when would justice be done?

The gentleman should know that the Court of Claims has not jurisdiction over these claims. The Navy Department has not any jurisdiction now to settle them. They can not issue a warrant on the Treasury of the United States even though they find that the claim is absolutely just and should be paid.

Even with the diligence of the Claims Committee of this House, they have not had an opportunity to have their claims adjudicated and paid. Why? The gentleman answered himself and gave a good argument why we should approve this feature of the bill, because he said little attention would be given to them in the House in the rush of a closing session and we would put over a lot of things that are not right. I do not think we will do that unless we change the habit of the last 12 years, because we generally consider those things on the Unanimous Consent Calendar and scrutinize each claim closely.

The assumption is that when a man says, "I dealt with my Government and my Government has defrauded me," that that Government to maintain its self-respect ought at least to set up some kind of machinery by which that claim can be heard, and what is the machinery proposed here? We say to the Secretary of the Navy, "You go and have a hearing of these facts and you present a comprehensive statement of these facts to the Congress, but do not you pay them." We do not allow them to pay them even though they may not be over $50 or $500. Why, some departments can settle claims up to $1,000 without authority of Congress now, but under the proposed law the Secretary of the Navy may find one of these claims to be only $50 or $100 and he has not the authority to pay them anything. But we say, "Mr. Secretary, after you have heard them, give Congress a comprehensive statement of the facts.". Then these claimants must go before this able Committee on Claims to which the gentleman pays a deserved tribute, and they must satisfy that committee, and it will be an aid to the Committee on Claims and to this House that one department of the Government has gathered a comprehensive statement of the facts with reference to the claims. Then when these bills do come up the gentleman from Texas and all the rest of us can refer to a statement of facts that has back of it the authority of a department of the Government. It will be something more than the ordinary recommendation that we insist shall come from one of these departments. The gentleman from Texas and myself can then pass upon whether or not we believe these claimants have gathered such facts and presented them as to not only be able to satisfy the department, not only to be able to satisfy the Committee on Claims, but whether they are sufficient to satisfy our conscience in voting the money to pay their claim.

Is not that the fact as to the machinery set up by this bill? Is there anything wrong about that? If there is anyone who has a right to complain, it is these contractors.

If I represented them I would come to Congress and say, "You gave the War Department claimants the right to have an adjudication down in the War Department. You gave the war-mineral claimants the right to have an adjudication with the Secretary of the Interior, but you have kept me out of court. You have played fast and loose with me between the two Houses for years and will not even give me a chance to present my claim and have a comprehensive statement made so that you can pass upon it. Now, I demand justice without further delay." That is what I would demand.

Gentlemen, from the standpoint of economy let me make this observation. The Civil War has been over for 60 years, the Spanish-American War is over, and yet the files of Congress are cluttered with claims growing out of those wars. I venture the assertion that any man who has looked into it knows that the further away from a particular event you place the adjudication of these claims the more will be obtained from the Treasury of the United States. It is economy to settle a Government claim while it is fresh, and when the Government agents can protect the Government's interest, than to wait 10 or 20 years until some influential Member of Congress gets behind the claim and presents it to the Claims Committee where the other side can not be presented, and the Claims Committee has to do the best it can, and pay more than you can settle for now. I want these war claims settled now while the facts are fresh and the Government can be protected. I would rather be liberal now than to have the Treasury robbed by an omnibus claims bill that will pile up after 10 or 20 years. You will pay less now while the facts are fresh than if you wait for a few years. This proposal puts a duty on the Navy Department to present the facts so that the committee can intelligently pass on the claim. I will not vote a dollar on the statement of the Secretary of the Navy, unless I am convinced from the facts presented that the claim is a just one.

The point I want to make is, let us assume that the Navy Department is going to be honest in handling this matter, and let us assume that it will be some aid to us; and then, for economy's sake let us get hold of these claims as soon as we can and protect the Federal Treasury by adjudicating them while the facts are fresh and the Government can get them so that they can present them and nothing fraudulent will be put over. I want to protect the Treasury, and the way to protect it is to have an early adjudication and get these claims out of the way. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES. Mr. Chairman and gentlemen, many millionaires were made by the World War. Many others were made rich. The morning after the war was declared the munition makers and those engaged in making the essentials of war were much better off financially than they were the night before. The values of their stock and properties had been greatly enhanced by that declaration. On every side men made money out of contracts with the Government. This was inevitable. The Government could not stop to haggle over prices. The securing of the supplies in that momentous time was far more important than the price. Sad to say, many men took advantage of this situation.

But, when the Government wanted men for the military and naval service it simply listed the young manhood of the Nation and called it into service on its own terms. They had no voice in the matter. That was the right and proper thing to do. It was the efficient, businesslike thing to do. The young men served heroically. That was one of the obligations of citizenship.

Now why should not the same method have been used with reference to the property and plants of those engaged in the manufacture of all of the supplies essential to the waging of that war? [Applause.] If the Government had simply contracted with the men who served in a military way during the war, allowing the matter of pay to be determined by contract, there is no estimating what the cost might have been. Are property rights any more sacred than human rights?

More than six years ago on the floor of this House I advocated the mobilization of every resource of the Nation—of men, or supplies, of everything that constitutes the Nation's resources. A law should be enacted now, to be made automatically operative upon the declaration of war, whereby, when young men are drafted, the essential industries, munition plants and all factories engaged in manufacturing the supplies of war, shall also be subject to draft on the Nation's own terms, just like the manhood of the country. [Applause.]

Much has been said in recent years about various plans to promote world peace. Numerous plans have been suggested, nearly all of them having something of merit and all of them evidencing a desire to lessen the chance of war. But do you know what I think would do more than any or all of these plans? Simply take the profits out of war.

In the centuries that are gone nearly all of the wars have been commercial wars. A few have been wars of liberty, but even in the wars of liberty one side has been fighting for commerce, because they did not want to give up the business advantage incident to controlling the people who were seeking their freedom.

In all countries there are men who are not particularly averse to war for it means fortunes for them. This occasions much of the propaganda put out in favor of such a declaration. But if notice were now given that in the next war, should we be so unfortunate as to become involved, no man would have opportunity to make these enormous profits, there would only be a war when it was necessary; and if all the nations of the earth could be induced to adopt the same policies along this line, the chance for any such catastrophe would be greatly reduced.

What legitimate objection can any man offer to such a law? True, every citizen owes the obligation to serve in the military forces in time of war should those services be needed. But is it any more necessary, from a patriotic standpoint, that the mothers of America should bid their sons goodbye as they march away to the grand, wild music of war, and that those boys should undergo the tremendous sacrifices thus made necessary, than that those who have accumulated wealth in this free and fruitful land should also make a similar offer of their wealth? [Applause.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. BLANTON. The gentleman very patriotically left his seat in this House and donned the uniform. If the Government had the power and authority to send the gentleman to the front line trenches, to give his life, why should not it have the same authority to order me into a shipyard to nail rivets into a ship?

Mr. JONES. Mr. Chairman, I think most certainly it should have authority to order that work done, or any other kind of service that the Government finds necessary in the successful prosecution of the war. However, I do not think the Government should order you to work for some one else and then

permit that other party for whom you work to make an enormous profit out of it.

Since the beginning of organized government, this old earth has witnessed the grapple of contending armies, and mankind has engaged in almost continuous warfare somewhere on the globe. Nearly all the great issues on which nations have hitherto differed have been settled in the flaming battle line amid the smoke of conflict. War has cost seas of blood, broken hearts, and billions of treasure. But this strife will not last forever. There is no royal road to peace along which great armies may march in regal splendor to the tunes of martial music. It can not be based on force. The contests of the future should be creative and constructive instead of destructive. They should be settled in the fine competition of peaceful rivalry. The old ocean and the great continents should be the battle ground of this warfare of peace. The white-winged messengers of commerce should weave their magic way to the ports of the world, and the great black draft horses of civilization should carry the products of the genius and labor of free peoples everywhere in friendly exchange. Take the profit out of war. Then in the democracy of equality and opportunity, and in the splendid development of a just and fair course of dealing, will be found the final glory of nations and the ultimate peace of the world. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. I believe one of the troubles in the personal dealings between men is the disposition that we all have to think more about our rights than about our duties, more about getting what the other fellow owes us than about giving the other fellow what we owe him; and I am not sure but there is a similar danger in our administration of public affairs. I appreciate the spirit of our friend, the gentleman from Texas [Mr. BLANTON] in his ardor to protect the Treasury; but along with that we want to be just as careful to protect the citizen. About the safest protection that any government has is the loyalty of its citizenship and the confidence of the citizens in the government. We call our Army and Navy our department of defense, but the best defense that any nation can have is a loyal and satisfied and confident citizenship. The word I want to suggest is this: I am not sure but that I have seen more danger to the Government since the war in a lack of confidence on the part of a good many citizens in the justice of their Government than I have seen in the disposition of the citizen to get things that are not due him from the Government. I have heard much here and there of the delays that have come and the inconveniences, and, in cases, the actual disaster that men have suffered because of the long delay, and, as it is called so often, the red tape in the affairs of government. Men just find it impossible year after year to get the things that their Government actually owes them, to get actual justice from the Congress and the Federal departments. Therefore I disagree with my friend from Texas in this discussion over this item in the bill, because I believe that it is as important for us to give justice and to speed the rights of individual citizens as it is to protect the Government. I think it would be better for the Government to give to a citizen something that is not due him than to do that citizen the injustice of withholding from him what is due, and therefore leave the citizen just cause to feel that his Government does not give him a square deal, and if it does not actually defraud him at least brings him years of trouble and disaster by its failure to hear speedily and adjust promptly his reasonable claims. [Applause.]

As the lawmakers of our great country and the Representatives of our people we have a high responsibility in the matter of reestablishing confidence in the powers at Washington. I say "reestablishing" because we must all recognize the fact that in this postwar period this confidence has suffered.

Of course, we must protect the Treasury against raids from the unscrupulous. But our failings should "lean to virtue's side," and the Government would better give a citizen more than is due him than to leave him cause to feel that he can not depend on just treatment at his country's hands.

Mr. BUTLER. I yield one minute to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Chairman, I rise merely to say to the House that the claims affected by this bill are only those claims for loss or damage where the Government itself was entirely responsible for the loss. Where a contractor has lost money on a job in a general way this bill does not cover his claim; but where the Government itself is responsible for that loss, then that claim and no other is affected by this bill.

Mr. MOORE of Virginia. Of course the gentleman means this, that the order of the Government which affected the contract was not in force at the time the contract was made?

Mr. BRITTEN. That is true.

Mr. McKEOWN. Why do not these men come in and ask to go to the Court of Claims and submit the matter to that court?

Mr. BRITTEN. They have done that, and the Court of Claims has said substantially that it has no jurisdiction.

Mr. McKEOWN. Why not bring a bill to give them jurisdiction?

Mr. BRITTEN. This bill does not give the Court of Claims jurisdiction.

Mr. McKEOWN. Why not do that?

Mr. BRITTEN. Because the committee has thought it best to do otherwise.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to transfer to the Treasury Department, for the use of the Coast Guard, such vessel or vessels of the Navy, not exceeding three in number, with their outfits and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent to strike out the first section of the bill, which has just been read, because it has already been provided for in another bill, Congress having already authorized the transfer of a number of these boats. Therefore we ask to have this stricken from the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to strike out section 1 of the bill. Is there objection?

There was no objection.

The Clerk read as follows:

CHARGE OF DESERTION

SEC. 3. That in all cases where it shall be made to appear to the satisfaction of the President that a commissioned or warrant officer or an enlisted man with the charge of desertion now standing against him on the rolls and records of the Army, Navy, or Marine Corps has since such charge was entered served honorably in the war with the German Government, either in the military or naval forces of the Allies or in the Army, Navy, or Marine Corps or in other branches of the military service of the United States prior to November 11, 1918, the President is hereby authorized, in his discretion, to cause an entry to be made on said rolls and records of the Army, Navy, or Marine Corps, relieving said officer or enlisted man of all the disabilities which he had heretofore or would hereafter suffer by virtue of said charge of desertion thus appearing against him; and upon such action being taken by the President such officer or enlisted man shall be regarded as having been honorably discharged on the date the charge of desertion was entered against him: *Provided*, That nothing contained in this section shall operate to entitle any officer or enlisted man to back pay or allowances of any kind.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last word in order to ask the gentleman a question.

Mr. BUTLER. Permit me to say we divided these sections up in our committee so we might all have something to do, so I am going to ask the gentleman to interrogate the gentleman who had this section in charge.

Mr. CONNALLY of Texas. Whoever the expert is on this section I would like to ask him. It is a very simple question which any man on the Committee on Naval Affairs ought to be able to answer.

Mr. BUTLER. I do not see our colleague [Mr. WOODRUFF] here, so I will endeavor to answer the gentleman's question.

Mr. CONNALLY of Texas. I see in line 23 the bill refers to the war, and you say, "War with the German Government." That is language that is never used ordinarily in any of the bills. We usually refer to it as the "War with the Imperial German Government," or "the World War," and I think it ought to be the same in all legislative acts. As a matter of fact, the World War was also a war with Austria. It seems to me that the language ought to be harmonious.

Mr. BUTLER. Now, the gentleman has me in trouble. I do not know why that language was used. I appreciate what the gentleman says, we ought to have absolute accord. We had a war with Austria, but we generally spoke of it as the war with Germany. I never considered the war with Austria very much or amounted to a whole lot.

Mr. CONNALLY of Texas. We do not refer to it in this language in legislation. I think we passed a law here last session in reference to the war of 1917 and officially named it the World War.

Mr. BUTLER. I do not see the slightest objection to changing the language, if the gentleman desires.

Mr. BRITTEN. "Who served honorably in the World War."

Mr. BUTLER. If agreeable to the committee, we will strike out the words "war with the German Government" and insert "World War." Mr. Chairman, I move to strike out, in line 22, page 4, after the word "the," the words "war with the German Government" and insert in lieu thereof the words "World War."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BUTLER: Page 4, line 23, after the word "the," strike out the words "War with the German Government" and insert in lieu thereof the words "World War."

The question was taken, and the amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I desire to offer an amendment. Page 4, line 21, after the word "has," insert "or before."

Mr. BUTLER. No; we can not do that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HUDDLESTON: Page 4, line 21, after the word "has," insert the words "or before."

Mr. HUDDLESTON. Mr. Chairman, the purpose of my amendment is to make eligible to compensation under the compensation acts those who served honorably during the World War and who were honorably discharged and subsequently reenlisted and deserted. My feeling is that the soldiers of that class who served in time of peace after the World War was over and after having received an honorable discharge from World War service are just as meritorious as soldiers who enlisted before the World War and deserted and subsequently reenlisted for service in the World War. I want to put all such former veterans upon a plane of equality. In my judgment a man who served through the World War and received an honorable discharge by that fact fixed his status and his right to recognition by his country for such service and that no subsequent act ought to deprive him of the right which was given him by his honorable service.

As the law now stands, a soldier who served through the World War and was honorably discharged and who was injured in the line of duty, or suffered any other permanent disability in defense of his country and who subsequently reenlisted and did not serve out the subsequent enlistment loses the right for compensation for the injury suffered in the defense of his country in the period of service for which he received honorable discharge.

Mr. McKENZIE. I would like to ask the gentleman from Alabama if he thinks it would be possible for a man to reenlist who had been permanently disabled.

Mr. HUDDLESTON. I will say to the gentleman from Illinois that I have had brought to my attention quite a considerable number of such instances in which men were actually wounded in battle; other cases in which they suffered from disability. Take, for illustration, the disability of tuberculosis. A soldier who served in the World War subsequently reenlisted in the service and deserted. He developed tuberculosis shortly afterwards, but because of the fact of his subsequent enlistment and failure to get an honorable discharge he had no status either to get treatment for his disability or compensation on account of it. Yet, if that soldier had not subsequently reenlisted he would have had a status which would enable him to get treatment and compensation.

Because they did something subsequently, we are penalizing men whose status and right to compensation were fixed by their honorable discharge after the World War. We are penalizing them for one class of offense only, to wit, desertion from the Army or Navy. A man after he was honorably discharged may have committed any kind of crime whatsoever, even murder or highway robbery, and may be actually in prison as a convicted felon, and still he is entitled to compensation if he has a service disability. Yet, if he has committed this one offense of desertion in time of peace, at a time when he was not needed, perhaps; if he has committed that particular offense, he has touched the Ark of the Covenant and has fallen dead.

I ask is there anything more sacred about the Army and Navy than the remainder of our institutions? Is an offense against the Army more serious than any other offense against the Government or against the State? Is a man who deserted in time of peace a worse man than a man who has murdered somebody in time of peace or has committed a crime of some other kind? Then why fix upon him this drastic penalty for one class of offense alone? There is no reason for it. It merely grows out of the disposition to regard the Army and Navy as something sacrosanct and an offense against them as a cardinal sin.

Mr. McKENZIE. I hope the gentleman does not misunderstand my position. The gentleman from Alabama has been a soldier, and a good one, too, in the Spanish-American War.

Mr. HUDDLESTON. I was a soldier, but I will not say a good one.

Mr. McKENZIE. The gentleman knows that a man to be a soldier in the Army or a sailor in the Navy must have passed a physical examination and must have been found to be physically fit. If that is true, then you are building up a case that will not stand.

Mr. HUDDLESTON. That is not correct. As I just tried to explain to the gentleman, there are many cases—and many of them have been brought to my personal attention, and I have personally invesitgated them—where soldiers were really disabled as the result of their war service, and yet they were permitted to reenlist. That is a fact. I hope the gentleman will recognize that fact and do justice to these men.

Mr. O'CONNELL of New York. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. O'CONNELL of New York. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. O'CONNELL of New York. Is the gentleman from Alabama defending desertion?

Mr. HUDDLESTON. I am defending men who served their country in time of war. I am not trying to make desertion in time of peace a more serious offense than any other which a man can commit. I am defending men in their rights gained in the service of their country. I would not take away from them those rights because of any weakness or fault of which they were guilty at some later time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] is recognized in opposition to the amendment pending.

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. SWING. Would not this be the effect of the gentleman's amendment, that as to a man who served honorably in the World War and continued in the Army in peace times, the fact of service in the World War would wipe out any act committed by him when the war was over?

Mr. BUTLER. The gentleman is entirely correct.

Mr. Chairman and gentlemen, when this Great War broke out upon us it found many men in the service who formerly had deserted from the service. They had immediately reenlisted. I can not recall how many of them did it, but a great many of them did reenlist. They did perform very valuable and heroic service.

Now, it was recommended by the last administration and by this administration that a man who performed that good service in the World War should be forgiven of the charge of desertion committed prior to the war, but it has never been asked that we excuse men of desertion when the desertion happened during the war. I could not agree with my friend from Alabama that for all time to come we should excuse these military men of the charge of desertion because they happened to have military service. We thought this Congress would be generous with these men by taking this blemish from their records. But I have never heard it suggested that for all time in the future men who commit desertion may be forgiven automatically without the intervention of the authority of Congress, simply because of the fact that they had service in the World War.

Mr. HUDDLESTON. Does the gentleman consider that in time of peace desertion is a more serious offense than murder or robbery?

Mr. BUTLER. No. But if I entered the military service for four years I would stay in it regardless of its cost. I do not know whether my friend ever went down to the department to coax the Government authorities there to let the boys go, when they run away and thoughtlessly enlist; but I have done it. I am willing to go that far; but for desertion, never, in behalf of national defense.

Mr. Chairman, I will ask the committee not to adopt the amendment of my friend. It is new to me. But if I thought about it for a week I do not think I could agree to adopt an

amendment that for all time to come would excuse the offense of desertion. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HUDDLESTON. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama asks for a division.

The committee divided; and there were—ayes 5, noes 58.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TO CREDIT CERTAIN OFFICERS WITH ACTIVE DUTY PERFORMED SINCE RETIREMENT

SEC. 4. That all retired commissioned and warrant officers of the United States Navy and Marine Corps who served on active duty in the Navy and Marine Corps of the United States during the war with Germany shall be credited with all active duty performed since retirement during the period from April 6, 1917, to March 3, 1921, in the computation of their longevity pay.

Mr. McCLINTIC. Mr. Chairman, I rise to offer an amendment to make this section conform to section 3, striking out the words "war with Germany," and inserting "the World War."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 5, line 18, strike out the words "war with Germany," and insert in lieu thereof the words "World War."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MARINE CORPS PERSONNEL

SEC. 8. That no officer of the Marine Corps below the grade or rank of colonel shall be promoted or advanced in grade or rank on the active list unless the examining board provided for in the act approved July 28, 1892, entitled "An act to provide for the examination of certain officers of the Marine Corps, and to regulate promotions therein" (27 Stats. p. 321), shall, in addition to making such certificate of qualification for promotion or advancement as may be prescribed by the Secretary of the Navy, certify that there is sufficient evidence before the board to satisfy the board that the officer is fully qualified professionally for the higher grade or rank.

That when the said examining board shall consist of seven or more officers of the Marine Corps, any officer whose case is before it may be found not professionally qualified without the right to be present or to challenge members of said board.

That any officer of the Marine Corps who fails to qualify professionally upon examination for promotion or advancement shall be reexamined as soon as may be expedient after the expiration of one year if he in the meantime again becomes due for promotion, and if he does not in the meantime again become due for promotion he shall be reexamined at such time anterior to again becoming due for promotion as may be for the best interests of the service: *Provided*, That if any such officer of less than 10 years' total active service, exclusive of service as midshipman or cadet at the United States Naval Academy or the United States Military Academy, fails to qualify professionally upon reexamination he shall be honorably discharged from the Marine Corps with one year's pay: *Provided further*, That if any such officer of more than 10 years' total active service, exclusive of service as midshipman or cadet at the United States Naval Academy or the United States Military Academy, fails to qualify professionally upon reexamination, he shall not be discharged from the Marine Corps on account of such failure but shall thereafter be ineligible for promotion or advancement; and any such officer shall be retired with a percentage of the pay received by him at the date of retirement equal to 2½ per cent for each year of total active service, to be computed in accordance with the provisions of section 1 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, not to exceed 75 per cent, upon attaining, or if they have previously attained, the ages in the various grades and ranks, as follows: Lieutenant colonel, 50 years; major and other company officers, 45 years.

That brigadier generals of the line shall, subject to physical examination, be appointed from colonels of the line whose names are borne on the eligible list prepared annually by a board of not less than five general officers of the Marine Corps and approved by the President.

That hereafter, as vacancies occur, the heads of staff departments shall be appointed for terms of four years from officers holding permanent appointments in the departments in which the vacancies occur whose names appear on eligible lists prepared annually by a board of not less than five officers of the Marine Corps above the grade or rank of colonel, including the major general commandant and the heads of the staff departments, and approved by the President, but no head of a staff department appointed for a term of four years shall sit as a member of the board during consideration of names for the eligible list for his department: *Provided*, That in case there be no officer holding a permanent appointment in a staff department whose name is borne on the eligible list for appointment as head of that department the appointment shall be made from officers of field rank of the Marine Corps whose names are borne on the aforesaid eligible list for that department.

That any officer of the grade or rank of colonel whose name is not borne on one of the current eligible lists for appointment as brigadier general or head of a staff department shall, if more than 56 years of age, be retired with a percentage of the pay received by him at the date of retirement equal to 2½ per cent, to be computed in accordance with the provisions of section 1 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, not to exceed 75 per cent.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. The last paragraph in the section just read requires the retirement automatically of certain colonels who reach the age of 56 years. Fifty-six years is almost the prime of life.

Mr. BUTLER. These are men who did not grow.

Mr. BLANTON. They were not certified as eligible to become brigadier generals. Just because they are not to be appointed brigadier generals they are to get something else. They are to be retired on pay at 56 years of age, after which, although drawing pay, they are to render no service to the Government.

Mr. BUTLER. Let me give my friend the explanation. The Marine Corps is a very old institution and in it we have had the unfortunate condition of promotion by seniority alone. The Navy abandoned it when I first came here 28 years ago, adopting the plucking board, and the Army has abandoned it. Now the Marine Corps is trying to get rid of it.

Mr. BLANTON. Will my good friend from Pennsylvania permit me to ask him a question?

Mr. BUTLER. Yes.

Mr. BLANTON. I would like to ask the gentleman from Pennsylvania whether he is in favor of continually retiring men in the prime of life and letting them engage in private business at big salaries, working for private corporations.

Mr. BUTLER. I will say to the gentleman from Texas that this has become absolutely necessary for the discipline of this corps and for its good. We are now beginning in this corps to retire men compulsorily, and this is what is known as the retirement provision of the law relating to the Marine Corps. These men have come up by promotion.

Mr. BLANTON. Let my good friend take time to answer that in his own time.

Mr. BUTLER. I will see that the gentleman gets more time.

Mr. BLANTON. Then I yield.

Mr. BUTLER. I want to tell my friend what my impression was and see whether he will not agree with me that it was about right. These men have come up for examination by three officers, and the gentleman knows the old way of doing it. This corps has never gone from it and these men have come right up. Some of them have now reached the grade of colonel, some have reached the grade of major, and some have reached the grade of lieutenant colonel. The time has come when they should no longer command troops, and the only way of doing it is by taking them out, but not promoting them.

Mr. BLANTON. I want to bring this before the committee. Do you know what we are doing in this bill? We are providing that majors shall automatically be retired when they reach the age of 45 years, certain majors; we are also providing that certain lieutenants colonel who are not certified for promotion shall be retired automatically when they reach the age of 50 years, and we are providing that those colonels who are not certified as eligible for promotion to be brigadiers general shall automatically retire at 56 years of age. Now, I want to say just what I said yesterday in answer to the gentleman

from New York [Mr. MAGEE], who was insisting on increasing the retirement pay. He quit his discussion of the Agricultural appropriation bill to take up the subject of giving increased pay to retired officers. I had a retired captain come to my office the other day insisting that I support his bill for increased pay of retired officers. He looked like a young man. I said, "Captain, how long have you been retired?" He said, "I have been retired 10 years." I said, "How old are you now?" He said, "I am 60." I said, "Then you have been retired ever since you were 50 years of age?" He said, "Yes." I said, "How much do you get now?" He said, "Three hundred and twelve dollars a month, and I have received it ever since I was retired 10 years ago."

Three hundred and twelve dollars a month for doing nothing, and he is engaged right now in a lucrative insurance business here in the city of Washington; he is devoting all of his time, attention, and ability to his private insurance business, and for 10 years as a retired captain he has been drawing $312 a month from the people's Treasury.

Mr. BUTLER. How much a month?

Mr. BLANTON. Three hundred and twelve dollars a month, he told me.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I ask for five minutes more.

Mr. BUTLER. As I interrupted the gentleman several times, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Texas may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BUTLER. How much a month did the gentleman say?

Mr. BLANTON. He told me he was getting $312 a month.

Mr. BUTLER. As a captain?

Mr. BLANTON. Yes.

Mr. BUTLER. He must have told you something that was awfully rosy, because according to the pay act they can not get over $2,800 or $3,000 for full pay.

Mr. BLANTON. The gentleman probably has in mind the pay of a captain in the Army, while this is probably a retired captain in the Navy, and the gentleman must know the one I am referring to, I believe, because he has been going from office to office, and I do not suppose he told me his pay was greater than it was when he was seeking an increase, and he told me the pay and allowances granted him by this Government amount to $312 a month; that he has been receiving that amount for the last 10 years, and he is now just 60 years of age.

There are too many generals, still competent men, big-brained men, if you please, and able to transact the business of the Government, retired on big general's pay and working for big corporations like the Radio Corporation of America on tremendously big salaries. The Government has educated them; the Government has given them good salaries for years; their abilities are largely due to the training paid for by the Government, and we ought to quit retiring them when they reach the very prime of life; we ought to keep them on in the service.

Look at the great ability of our former colleague from Illinois, Uncle Joe Cannon, who served the people here in this House until, I believe, he was 89 years of age. He served 46 years in this House very ably. Look at General SHERWOOD, of Ohio, ably serving his people in the House, reading his speeches on the floor without glasses and able to stand up and meet anyone in open and running debate, and then tell me we ought to continue retiring men at 45 years of age, at 50 years of age, and 56 years of age, and then let them draw big salaries from the Treasury and at the same time conduct private businesses. I do not know where it is going to end. I want to tell you one thing, though. You talk about bolshevism in the country. The system we have of letting men get something for nothing is conducive to bolshevism more than anything else combined. We ought to stop it. There ought to be a reorganization of this retirement law, and all of us ought to look into it. I dare say there are not 20 men in this House who understand fully the provisions of the various retirement acts. We ought to know just exactly how much these men are being paid at this time and the emoluments they are receiving. There ought to be an entire reorganization of the retirement laws, and the age ought to be sliding upward instead of downward.

Mr. McKENZIE rose.

Mr. BLANTON. I will yield to my friend from Illinois.

Mr. McKENZIE. I want to take the floor.

Mr. BLANTON. Let me ask the gentleman whether he is in favor of retiring a man at the age of 45 years?

Mr. McKENZIE. Only for physical disability.

Mr. BLANTON. If he is able to conduct a big private business, and is able to keep coming to Congress year after year in order to get his retirement pay increased, he ought to be able to serve the Government properly.

Mr. BRITTEN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BRITTEN. May I suggest that the Committee on Naval Affairs is now about to give consideration to a bill that will retire men at 30 years of age?

Mr. BLANTON. They ought not to have been taken in at all then. I will never vote for such a bill.

Mr. BRITTEN. No; you can not tell a man's adaptability for a certain service until he has been tried out, and after he has been tried out he should not be kept on the pay roll unless he has some adaptability for such service.

Mr. BLANTON. Not at all. But you should discharge and not retire him. I honestly believe, just as my colleague from Texas [Mr. BLACK] said some time ago, if we keep on passing these bills, the first thing we know we will find that half of the people of this Nation are on the pay roll of the Government and the other half of the people are working to pay their salaries. We must stop it. There ought to be a change in such a system. I know this committee will push this bill through. I know you are going to retire on pay these majors at 45 years, and I can not stop it. You are going to retire on pay these lieutenant colonels at 50 years, and I can not stop it. You are going to retire on pay these colonels who failed to get brigadier generalships at 56 years, and I can not stop it. You are going to pay these war contractors, and I can not stop it. But the time is coming, if it keeps on, when the people are going to stop it. The people are not willing for this to go on. They do not like it back home, and I know it.

Mr. BUTLER. Mr. Chairman, if the gentleman will allow me to have one word with him, this provision of law affects largely wounded men in the Marine Corps. They were promoted from warrant officers and from enlisted men, and some of them during the war were very conspicuous. Some of these men were at Belleau Wood and survived. They were given their war rank and Congress was glad to give that to them. They have now reached places in their grade where they do not themselves feel able to be promoted on account of their physical and mental condition, and this bill within the next four or five years will take care of many of those men. There are between 550 and 600 of these men. Most of them have been wounded, and are the most distinguished men in the Marine Corps. This bill will provide for them. I will say to my friend from Texas I am not in favor of a big retired list. I am in favor of taking men from the retired list, who come from the academies, after they have served three or four or five or six years, if they do not show any capability for the Military Service.

This bill is particularly for the class of men to whom I have called your attention, and as a Member of this House I am expressly devoted to them. They have earned this. They can not work any more at big wages. As I have said to you, these men form a good part of the 2,200 men out of 8,600 that escaped at Belleau Wood, and I would ask my friend from Texas to interpose no objection to allowing this feature of the bill to go through.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BUTLER. With pleasure.

Mr. BYRNES of South Carolina. If these heroes of the World War remain in the service, they will be eligible to promotion to a higher rank?

Mr. BUTLER. They will be by seniority, and they do not want to go.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman and gentlemen of the committee, the very thought suggested by my friend from Pennsylvania [Mr. BUTLER] has impressed me in the consideration of this section.

The men who served at Belleau Wood came in many instances from the ranks—the noncommissioned officers. When the fate of the Nation was at stake their services were in demand, and they were commissioned as officers. They now hold commissions. By seniority under the existing law they would be promoted to a higher rank, but some people may think that their lack of attainments is such that they would not serve with efficiency in a higher rank. Therefore some

plan must be devised by which they can be properly taken care of other than by giving them the increased rank to which their seniority would entitle them.

As I read this section of the bill, by its provisions the Marine Corps departs from the system which it has heretofore followed, and under which system the Marine Corps has deservedly won the confidence of this country and has become, in my opinion, the most popular of our military services, and a board will be established, which board will, without giving an opportunity to a hero of Belleau Wood to appear and make any defense of his cause, determine whether or not he shall be placed on the eligible list for promotion to a higher rank. If that board determines not to promote him but to promote some man who was graduated from Annapolis and who is not in line for promotion by reason of seniority, but whose educational attainments are such that, in the opinion of the board, he would make a better colonel or officer of higher rank, that man will be promoted over the head and in preference to the hero of Belleau Wood, whose cause appeals to me, as I know it appeals to this House. In doing this the gentleman from Annapolis or West Point or some other military college whom it is desired to promote will be promoted and our hero of Belleau Wood will be put on the retired list.

So far as I am concerned, I am opposed to it, because I doubt whether my good friend from Pennsylvania is correctly informed that all of these men want to get out of the service. I believe they would welcome the opportunity that now comes to them to be promoted by reason of seniority, and I believe that if a man who, when the fate of the country was at stake, was called upon to render service and rendered it as efficiently as did the marine officers is competent in time of peace to be promoted to a higher rank in the service. I believe the Marine Corps should not depart from the existing system and follow a system of selection for promotion which inevitably is going to result in favoritism and in heartburnings, which will tend to destroy the morale of this corps, for every time a man is passed over and some officer who has served four or five or six years less is promoted in preference to the man who served at Belleau Wood and had long previous service, down in his heart the man who is passed over is going to have less love for the service for which he risked his life. I do not believe in it. I think it is a mistake. I understood my good friend to say that this is a policy now followed in the Army.

Mr. BUTLER. No.

Mr. BYRNES of South Carolina. I do not think it is followed in the Army and I hope it will not be adopted in the Marine Corps.

Mr. BUTLER. We got this information from the highest authority, from an official whose word will never be doubted because he always kept his word and never misled us. That man is General Lejeune. Now, these men have asked for this, and they ask for it because it will give them the right to retire at their own grade, whereas if you adopt the rule of seniority they may be crossed out by the board under existing law.

Mr. BYRNES of South Carolina. Most of these men, by reason of their long service, will retire before many years have passed and will retire at three-quarters pay which they receive at the time of retirement.

Mr. BUTLER. Yes; but how are we going to amend this? We have to turn it over to the board of seven, at least.

Mr. BYRNES of South Carolina. Heretofore I understand that my friend from Pennsylvania has not been in favor of promotion by selection.

Mr. BUTLER. Yes; the gentleman from South Carolina and I do not disagree on some of these things.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BUTLER. I ask that the gentleman from South Carolina have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. My friend from South Carolina remembers who these men are and that the House gave them a grade, and now comes the time for promotion and they feel much safer in the hands of the board, of the men who reported in their favor to this Congress. If they can show the qualifications to the board they will be promoted, but if they should ask that they should be continued in their own grade until they reached the age of 45 or 53 they will be happy over it.

Mr. BYRNES of South Carolina. The gentleman from Pennsylvania and I differ only in the fact that he says they are asking for this, and my information is that some want to stay in the service and stand on their right as officers of the Marine Corps, receive promotion by reason of their long service which they will not receive under this policy of selection, if the board is authorized to go down the line and pick out a man who served half as long, but because the board thinks he is better qualified, select him in preference to the man who served in the World War and proved himself a good officer.

Mr. CONNALLY of Texas. Mr. Chairman, I rise to oppose the amendment. I thoroughly agree with the gentleman from South Carolina [Mr. BYRNES]. I am sorry that the gentleman is voluntarily leaving the House. The gentleman has shown a grasp of naval affairs equal to his grasp on financial matters in connection with appropriation bills.

I want to call attention to a certain provision in this section of the bill:

> That any officer of the grade or rank of colonel whose name is not borne on one of the current eligible lists for appointment as brigadier general or head of a staff department shall, if more than 56 years of age, be retired—

And so forth.

Now, gentlemen, I am opposed to that kind of an amendment. The Marine Corps has been advertised—I do not think it advertised itself—by somebody at least as being the service that selects its men. When they come into the Marine Corps they are supposed to be picked men; no doubt there are some colonels, for they fill the colonels' positions up as fast as they occur. They are supposed to be good colonels. Now, when a colonel gets to be 56 years of age, if he has not been certified by the board of brigadier generals that he is qualified to become a brigadier general, out of the service he goes with a very large retirement allowance. He is all right as a colonel, a good colonel; he knows enough to be a colonel, but he is not eligible for promotion to be a brigadier general in the service of the Government.

Now, where is the economy in that? I do not mean in dollars and cents; but where is the economy in efficiency. Here is a man who has been in the Marine Corps all his life, is a good officer, a good colonel, because they would not have made him a colonel if he had not been qualified, but, forsooth, because he can not become a brigadier general they kick him out and give him a large retirement allowance. Why? Because somebody else down the line just below him, as suggested by the gentleman from South Carolina, wants to be a brigadier general, and if they do not promote this colonel to be a brigadier general the fellow down below can not get to be a brigadier general. So the thing to do is to get rid of this old "guy." He is a good colonel; he is worth the money as a colonel; he knows how to perform his duty; but because some board of brigadier generals does not want to associate with him as a brigadier general they have to get rid of him so as to promote the other fellow down the line.

Mr. BYRNES of South Carolina. Will the gentleman allow a suggestion?

Mr. CONNALLY of Texas. Yes.

Mr. BYRNES of South Carolina. The major generals are selected from the brigadier generals, and so the brigadier generals will select the officer who will become a competitor with them for major general. Of course, they are going to pick out the strongest competitor. What effect does the gentleman think such a policy would have in the House of Representatives in the selection of chairmen of committees?

If instead of taking the gentleman from Pennsylvania [Mr. BUTLER], who by reason of his seniority is the chairman, we should have a selection board authorized to go down the line——

Mr. BUTLER. Oh, I am perfectly willing.

Mr. BYRNES of South Carolina. I know the gentleman would be willing, but it would not be in the interest of the Government.

Mr. BUTLER. Oh, yes; it would be, because I am not much stuck on myself. I am not owing Congress anything. My constituency with its 50,000 majority is what I am thinking of.

Mr. CONNALLY of Texas. I say to the gentleman that if that system existed here in the House, there would not be any real big chairmen, because they would all be Oslerized at 56 years of age.

Mr. BRITTEN. There is very little difference between existing law and this section of which the gentleman complains.

Mr. CONNALLY of Texas. There is just enough difference so that the gentleman wants to change it.

Mr. BRITTEN. The Marine Corps desires this change.

Mr. CONNALLY of Texas. Of course they do.

Mr. BRITTEN. And it is in the interest of its own efficiency.

Mr. CONNALLY of Texas. In the interest of its own efficiency for its own promotion?

Mr. BRITTEN. Its own efficiency. Men came out of the ranks during the war——

Mr. CONNALLY of Texas. Oh, I can not yield to have the gentleman make a speech. Ask a question if he wants me to yield.

Mr. BRITTEN. I will get the gentleman five minutes more.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I have been guaranteed five minutes more by the gentleman from Illinois.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. BRITTEN. The difference between existing law and this provision is that this provision substitutes selection up for seniority. We have selection up in the Navy, and the human element, of course, enters into the selection there just as it did in selecting out; we can not do away with it. It has improved the efficiency of the Navy. General Lejeune and the best experts in the Marine Corps say that this will improve its efficiency. They desire it; and one of the reasons is that because men have come out of the ranks at an advanced age, having been promoted rapidly during the war, they must either be retired or selected up. They are not necessarily qualified to lead men in battle or to train men in time of peace. They should be put on the retired list so as to make room for the more efficient fellow down below.

Mr. BYRNES of South Carolina. And I will ask the gentleman if, being a very able member of the Committee on Naval Affairs, he has not been indulging in some criticism of the action of the selection boards of the Navy?

Mr. BRITTEN. Yes; that is true. Helpful criticism, I hope.

Mr. CONNALLY of Texas. The gentleman says that the only difference between the present law and this is that they have now the rule of seniority, and they want to have this as selection, and that the highest ranking officers of the Marine Corps say that the process of selection would make for their efficiency. Of course they are going to say that. Any bunch of fellows who are to have the power to make selection of course are going to say that their method of selection is going to be more efficient than any other kind of selection on earth. The Naval Committee thinks that its method of handling this legislation is the best that any committee in this House can furnish, and I do not gainsay that in this particular instance, and if you will turn over to a bunch of brigadier generals the process of selection of other brigadier generals, you are going to get an admission from that body that their method is the most efficient and will do the most for the service.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. But I am not yet through answering the gentleman's other questions.

Mr. BRITTEN. Oh, yes, the gentleman is. Does the gentleman seriously contend that a brigadier general would select an inferior man rather than an efficient one?

Mr. CONNALLY of Texas. No; but I do say this, that there are some colonels there and the Marine Corps selected these colonels. They are colonels and you say that they are qualified to be colonels. They can perform the duties of colonels, but because a board of brigadiers do not believe that they would make good brigadiers, you are going to fire them—not as brigadiers but you are going to fire the colonels because they do not make good brigadiers. The gentleman from Illinois [Mr. BRITTEN] is a splendid member of the Committee on Naval Affairs, but simply because he would not make a good member of the Committee on Alcoholic Liquor Traffic is no reason why he should be turned out of Congress. [Applause and laughter.] The fact that he is doing his duty where he is, and is a valuable man where he is, is no reason for canning him, and when you have a good colonel, there is no reason for canning him simply because he is not going to make a good brigadier general. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out section 8 of the bill.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: Strike out all of section 8.

Mr. VINSON of Georgia. Mr. Chairman, I rise in opposition to the amendment. I feel satisfied that if the gentleman from South Carolina [Mr. BYRNES] understood this section, instead of moving to strike it out he would be in hearty accord with it. Under the law to-day the very men that he seeks to protect will be thrown out of the service if this section does not become a law. The method of selection and promotion in the Marine Corps is based on the act of 1892, which still adheres to the system of examination. That is the method by which they are selected to-day. You have but two alternatives under the present law—to promote or to dismiss from the service. This section which is being criticized by the gentleman from South Carolina provides that there shall be an alternative given in addition to the right to dismiss or promote, and that is to retire. If an officer was promoted during the war from the rank, we will say, of sergeant to that of second lieutenant, and has served 10 years with the Marine Corps, when he comes up for examination, if he is unable to pass the professional examination on two different occasions, instead of throwing out this officer this section will permit him to stand exactly where he is. He is merely passed by in promotions, but holds the rank he has until he reaches the age of 45, at which time he is retired.

I will ask my friend from South Carolina, do I understand him to be in favor of putting out these officers who to-day can not pass the professional examination after they rendered such heroic service during the war?

Mr. BYRNES of South Carolina. I will answer the gentleman by saying I first want my friend to show the law by which he will be dismissed.

Mr. VINSON of Georgia. He will be dismissed because the act of 1892 provides that every officer must come up for examination during a certain time, and if that officer can not qualify the Marine Corps has but one of two things to do—either promote or dismiss. I say it would be a hardship to do this to these officers who won their spurs upon the field of battle.

Mr. BYRNES of South Carolina. My friend knows under existing law that he is examined. If he has demonstrated his capacity on the battle field he will be able to stand a fair examination, and if he makes the required percentage—even if he is not promoted because some officer with longer service gets the promotion—he stays in the same grade until he serves his time. But the gentleman assumes these men will fail in their examinations. I do not. But I know that, even though they pass the examination, under this selection system they will not be promoted.

Mr. VINSON of Georgia. But the gentleman proposes by letting the law stand as it is to-day to put him out of the service.

Mr. BYRNES of South Carolina. No; he stays in the service.

Mr. VINSON of Georgia. No; under existing law he has to go out.

Mr. BYRNES of South Carolina. If he stands the examination he stays in the service.

Mr. McKENZIE. Will the gentleman yield?

Mr. VINSON of Georgia. Yes, sir.

Mr. McKENZIE. If I understand this situation, I would like to have the gentleman from Georgia answer one question, and that is why you do not apply the same rule to the officers in the Marine Corps whom you retire because they are not competent to pass the examination of the next higher grade in the same way they retire class B officers in the Army by giving them 2 per cent of their pay, I think it is.

Mr. VINSON of Georgia. They give them the same pay, based entirely upon the retirement, in the Army and in the Navy. I trust if there is a friend to the boy who was promoted and who served faithfully and who wants that boy to continue to hold the rank that he won upon the battle field that he will vote against the motion of the gentleman from South Carolina, so he may have an opportunity to stay in the Marine Corps instead of being dismissed.

Mr. BUTLER. Mr. Chairman, I want to say before you vote that the opportunity has come for the House to do what it has heretofore done. It has twice voted this measure through without criticism. This is asked by a department of the Government which has made itself good and has rendered valuable service to the country. If you strike out this provision we leave these people without any reason or method by which they might make promotions under the old line of seniority which is not abolished. And my friend, our colleague upon this committee, stated it properly, that if you strike out this section under the present law these men can be put out of the service and not be permitted to be promoted. Under this law they can be promoted, and I earnestly hope that you will sustain the committee.

Mr. BYRNES of South Carolina. If the gentleman will yield, the gentleman does not say that a colonel, who comes up for examination, has a chance to appear and be examined and stands the examination, can be kicked out of the service?

Mr. BUTLER. He can at the age of 55.

Mr. BYRNES of South Carolina. I mean under the existing law.

Mr. BUTLER. My friend, he has to come up because of his age. The gentleman says because of promotion for efficiency or because of my age——

Mr. BYRNES of South Carolina. It proves the efficiency of the system.

Mr. BUTLER. I do not ask anybody for anything. Of course he can come up. I am in favor of merit in the service, whether it be civil or military, and this does encourage merit in the Navy and Marine Corps. I ask the committee not to strike this item out.

Mr. CROSSER. Mr. Chairman and gentlemen of the House, section 8 of H. R. 2688 proposes to change the law relating to the promotion of Marine Corps officers to fill vacancies occurring in ranks below and including the rank of colonel. It also changes the law relating to the appointment of brigadier generals in the Marine Corps.

The present law provides that those who are due for examination for promotion may appear before the board, challenge for cause any of its members, be informed of all the evidence to be considered in their cases, have the right to present evidence in refutation of any adverse evidence which may have been introduced against them, and also supply any evidence in their own behalf which, for any reason, may have been withheld or omitted. The present law authorizes the President, when vacancies occur, to appoint general officers of the line from the whole list of officers of the line not below the grade of colonel and likewise in the case of the three staff departments of the Marine Corps.

The present law also provides that any officer who finally fails to qualify when due for promotion shall be discharged with one year's pay.

Section 8 of the pending bill provides that any officer of the Marine Corps below the rank of colonel who may be considered for promotion by the examining board may be found not qualified without the right to be present or to challenge the members of said board.

The bill also requires the President to appoint brigadier generals of the line from colonels of the line whose names are included in a list prepared by a board of not less than five general officers of the Marine Corps.

The bill also provides that any officer of more than 10 years' service who fails upon reexamination to qualify for promotion shall be retired with a maximum pay equal to 75 per cent of the pay received by him at the date of his retirement, or less according to the length of his service.

The difference between the present law and the proposed law is fundamental. All officers below the rank of colonel who may have occasion to appear before a board would, by this bill, be deprived of the right to object to and prevent from serving on such board a man who could be shown to be prejudiced or hostile to the officer appearing before the board. It would also deprive him of the right, which he now enjoys, of producing proper evidence to disprove any charges of misconduct, incompetency, disability, or inefficiency which might be brought against him. The bill, if it should become law, would also circumscribe the President so that he would be compelled to appoint as brigadier generals the men specified by the board, thus changing the existing policy which enables the President to use his discretion in making such appointments.

The bill also enables those in control of the Marine Corps to avoid serious competition from energetic and ambitious men by retiring such men as they approach the higher ranks with, in most cases, pay equal to 75 per cent of the pay received in active service.

A moment's consideration of the proposed changes to which I have just referred must convince any fair-minded man that their purpose is to establish a self-perpetuating bureaucracy.

Now, Mr. Chairman, the mere statement of the facts should be enough to convince serious-minded men of the disastrous effect this measure would have upon the efficiency and democracy of the Marine Corps.

It was just such legally established ring control which in years past has eaten the vitals out of the military establishments of many of the European governments.

Instead of developing in the rising officer initiative, ambition, and the spirit of enterprise, as does the assurance that his progress will be determined according to merit and the principles of justice, the effect of the scheme embodied in this bill would be to put a premium upon timidity and fawning.

Behold the rising officer imbued with the feeling that he should do everything possible to develop his military skill and eager to do his work well! See his predicament if this bill becomes law. His every brilliant effort is then, to those in control of his professional destiny, a sign of a dangerous rival. His work too thoroughly done puts them ill at ease. Instead of it being advantageous for the subordinate officer to be alert and to discover and apply new ideas, a premium is put upon the handshaking, palavering, sycophantish game.

This means, of course, the loss of mutual respect and confidence for each other by subordinate and superior, a confidence and respect which is absolutely essential to harmony, efficiency, and the spirit of cooperation.

It is the feeling by men, whether soldiers or not, that real merit will be rewarded, that makes them exert themselves to the utmost. How eager and active they are if they are sure that merit will have its reward and without unfair delay. How dull and indifferent are men if they feel that it has been made to the selfish interest of those who have the power to bestow or withhold the reward to deny their worth in order to prevent the too close approach of the subordinate and the inevitable comparison unfavorable to those in the position of power.

Unless there is mutual trust and the spirit of cooperation on the part of all concerned there will be lack of efficiency whether it be in the case of the Marine Corps or a private enterprise.

The passing of years over men's heads does not always assure wisdom or ability, nor does the lack of gray hairs indicate the want of ability. The greatest executives and foremost military commanders have been those who could appoint subordinates upon the basis of merit regardless of age or the years they may have spent in service.

If it had been impossible for him to utilize this principle, President McKinley could not have appointed Funston and Capt. J. Franklin Bell as brigadier generals. If President Roosevelt could not have exercised like discretion, he could not have appointed Captain Pershing and Maj. Tasker H. Bliss as brigadier generals.

It would seem entirely unnecessary to discuss the fallacy of the plan proposed by this bill for the selection and promotion of officers. The inevitably disastrous results must be self-evident. We might ask, however, by way of illustration, what would be the decision of any Member of Congress here if he were given the authority to choose his opponent at an election for Congress. Conceivably we might find a Congressman, at some time, manifesting such Godlike attributes as would cause him to select as his opponent the most capable and conscientious man in the country, but that is not likely. Acting like the ordinary human being, he would surely select as an opponent the man he could most easily defeat, and that man would be far from the most able and conscientious man available.

So it will be with the members of the board provided for in this bill. They will not promote to the rank from which major generals are to be appointed men who because of ability and capacity would be their strongest rivals for appointment to higher rank, and we must remember that some of the men promoted will ultimately be in the eligible list with those making the promotions, and the President would be required to appoint officers from this eligible list to higher ranks. Ask yourselves whether or not the members of the board, these selectors, are likely to select those who would be their most formidable competitors when occasion required the President to appoint to higher rank an officer from this eligible list consisting of those selecting and those selected.

I wish also to call attention to the fact that the contention that this plan would destroy the spirit of cooperation and create distrust and dissatisfaction does not need to rest only on the basis of reason or argument.

That condition already exists because of the mere prospect of this section of the bill becoming law.

The report of the Naval Committee on this bill states that the sentiment of the officers of the corps has been found to be very preponderantly against similar plans in the Army and Navy. A little investigation will satisfy anyone that the same feeling exists on the part of the Marine Corps officers as to the plan provided in this bill.

In regard to the method of operation of this kind of system let me quote a man who is regarded by the House as an authority on this very subject. I refer to the gentleman from Illinois [Mr. BRITTEN], a member of the Committee on Naval Affairs. On June 19 of the present year, in a letter to the President in regard to a similar system now in force in the Navy, Mr. BRITTEN said:

Some nine years ago, * * * it—

Referring to Congress—

* * * substituted for existing law a provision for "selection up" in the Navy.

It was the thought of Congress that promotion by seniority was wrong in principle, and that selection would provide an incentive for advancement, which, in turn, would promote ambition, thrift, constancy, and efficiency in the Navy.

In other words, an opportunity for promotion ahead of his class was to be given the ambitious, progressive, superior-minded young officer.

I think that the Navy generally has already indicated its disappointment in some of the selections for promotions, and that it feels that "real" selection up does not prevail.

Selection boards are too often composed of the same members who sat in preceding boards, and this fact may work against the best interests of a selective system.

For the past five years it has been quite evident to me that a select ring of Washington line officers have thoroughly dominated the Navy and have assigned to themselves—and to their friends—all of the military and social plums.

BUTTERFLY SET RULES

The Naval Academy, London and Paris embassies, command of the fleets, special European assignments, Mediterranean cruises, and topside Washington appointments have been jealously parceled out to those in the butterfly set, and to none others, and I might say that this condition is not too happily received by the officer aboard ship who is on the outside looking in.

If merit and capacity are not to be rewarded by promotion, then Congress should repeal the "selection up" provisions of the law, so that young officers may not longer be deceived by the delusion that their personal advancement rests largely with themselves.

Mr. Chairman, I believe in selection; but not in the kind of selection which would be natural for the members of these boards who are to select the men who are to be their own competitors for promotion to higher positions.

I do not believe in selection by men who are likely to feel that their own professional advancement is jeopardized by the success of those whom they may promote. That is the kind of thing that has created cliques and then caused inefficiency in the military forces of many European nations. I am opposed to selection by boards, the responsibility of the members of which is covered up by their joint action, the composite action of the board members, and are thus able to crucify those who are regarded as formidable rivals.

I believe in selection by the President of the United States just as did the framers of our Constitution when they inserted in section 2, Article II, of the Constitution, the following language:

* * * he shall nominate and, by and with the consent of the Senate, shall appoint ambassadors and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law.

He has no professional military career at stake, no higher military rank for himself to be considered when appointing men who may be aspirants and competitors with the selectors for the same prize.

The chief concern the President would have in making appointments would be to have the quality of such appointments reflect credit upon himself.

If the President desires to have advice in making his appointments in the Marine Corps, let him be free to consult the civilian head of the Navy Department who, under the President, commands the Marine Corps. Not only so but as the constitutional selector let him by all means consult the responsible chief of the Marine Corps, who should be individually responsible for his recommendations, but let us not by any means transfer the responsibility for recommendations to boards who can conceal their individual responsibility behind the action of a board in secret session.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BYRNES of South Carolina. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina demands a division.

The committee divided; and there were—ayes 18, noes 75.

So the amendment was rejected.

The Clerk read as follows:

RELIEF OF CONTRACTORS

SEC. 9. That the Secretary of the Navy be, and he is hereby, authorized and directed to make thorough investigation of the merits of the claims (including claims for release from Government claims for liquidated damages, but excluding claims in cases where a full, final, qualified, or unqualified release has been given the United States), which may be submitted to him in writing within six months after the passage of this act, and verified under oath, for any loss alleged to have been caused to any of such claimants in the performance of any fixed price (including fixed unit price) contract with the United States through the Secretary of the Navy, or the Navy Department, from April 6, 1917, to November 11, 1918, inclusive, or in the performance of that portion of any such contract previously entered into which remained uncompleted on April 6, 1917, which loss was occasioned by the action of any Government agency by reason of priority orders for material, transportation, commandeering of property, or other order of Government authority not authorized by the contract on or between the dates above mentioned.

The Secretary of the Navy shall submit estimates of appropriations required to satisfy such of the claims as he may investigate under this authority as may be found to possess merit, accompanied by a comprehensive presentation of the facts in each case, but such findings so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government.

No claim shall be considered under this authorization for alleged losses on account of increases in wages until a claimant shall have established proof to the satisfaction of the Secretary of the Navy that he actually paid his employees the award ordered by the Macy Board or other Government boards and that his entire volume of business with the Government during the period covered by the claim did not yield a net profit.

In the performance of the duties imposed by this section the Secretary of the Navy is authorized to summon witnesses and examine them under oath, to require claimants to exhibit their books and papers, and to have access to and the right to examine pertinent income-tax returns and other financial reports of such claimants as may be in the custody of the Secretary of the Treasury.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 11, line 17, after the word "submit," strike out the words "estimates of appropriations required to satisfy," and insert in lieu thereof the following: "to the Court of Claims," and in line 24, after the word "Government," strike out the period, insert a semicolon and the following: "*Provided*, That jurisdiction be, and the same is hereby, conferred upon the Court of Claims to hear and determine all of such cases so submitted to it by the Secretary of the Navy," so that as amended the paragraph will then read "The Secretary of the Navy shall submit to the Court of Claims such of the claims as he may investigate under this authority as may be found to possess merit, accompanied by a comprehensive presentation of the facts in each case, but such findings so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government: *Provided*, That jurisdiction be, and the same is hereby, conferred upon the Court of Claims to hear and determine all of such cases so submitted to it by the Secretary of the Navy."

Mr. BRITTEN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. BLANTON. Mr. Chairman, the committee says that all it wants to do is to pay just obligations which are equitably due by the Government. I will go with them on that proposition. I want to do the same thing. They say this bill is necessary because the Court of Claims has not jurisdiction to hear and determine these matters. I am proposing to give the Court of Claims jurisdiction by this amendment. If this amendment is passed the Secretary of the Navy will go ahead and determine the merits of these controversies, so far as he is able to do so, in a nonjudicial way, and those which he thinks have merit in them he will submit to the Court of Claims, and this amendment of mine confers jurisdiction on the Court of Claims to hear and determine those very cases.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. Does the gentleman mean by his amendment to give the Court of Claims authority to render a judgment?

Mr. BLANTON. Yes. I am willing to stand by a judgment of the Court of Claims. I happen to be acquainted with the personnel of the Court of Claims and am familiar with the character of the judges who sit in that court. There are no finer men in any group, so far as honor, ability, and integrity are concerned.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CHINDBLOM. Under what rules does the gentleman contemplate the Court of Claims would act—under the general rules pertaining to their hearing of cases or would they get carte blanche jurisdiction to hear these cases upon general principles of equity?

Mr. BLANTON. Upon principles of equity, within the limitations prescribed by this bill. That is exactly what we are conferring on them by my proposed amendment. The Court of Claims could not hear them if we did not grant this jurisdiction.

Mr. CHINDBLOM. Does the gentleman think the language of his amendment will confer that authority?

Mr. BLANTON. Certainly it does.

Mr. CHINDBLOM. I do not think so.

Mr. BLANTON. It grants them jurisdiction to hear and determine, and we map out the limitations and restrictions in the other sections of the bill.

Mr. CHINDBLOM. Will the gentleman yield further?

Mr. BLANTON. Certainly.

Mr. CHINDBLOM. I think the gentleman's language grants jurisdiction only of the subject matter but does not prescribe the rules which will govern in the determination of the cases.

Mr. BLANTON. The preceding paragraph of the bill outlines that.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. VINSON of Georgia. Does not the gentleman think his amendment is a great deal broader in the scope of the consideration of these claims than the proposed bill?

Mr. BLANTON. No; because I am not afraid of a judgment rendered on the facts by a court.

Mr. VINSON of Georgia. We read in the proposed measure that if there is any profit made by a contractor then he can not file his claim, and if he has not complied with the rules and regulations he can not file his claim——

Mr. BLANTON. Will not the gentleman answer me in his own time if he wants to make a speech, because I have just two or three minutes left?

Mr. GARRETT of Tennessee. I wish the gentleman would yield further, because this is a very important matter. I do not know anything about these contracts and I do not know any of the contractors, but it is a very important matter as regards procedure. Now, under the gentleman's amendment what record would be before the court? Anything, except the findings of the Secretary of the Navy, or could a claimant present testimony?

Mr. BLANTON. The filing of the record by the Secretary of the Navy would be merely placing that case in the category of a group of cases which the Court of Claims would have jurisdiction to hear and determine. Then the attorneys for the parties would present their cases, the attorneys for the claimants would present their pleadings and their evidence and their application of the law, and the attorneys for the Government their side of it, on the equitable features of their claim, and then the court would hear and determine it and would be authorized, under this transfer of jurisdiction from Congress, to grant a final judgment which, when granted, would be an authorization for the Appropriations Committee to bring in an appropriation to cover it.

Mr. GARRETT of Tennessee. There could not be any claims submitted under the gentleman's amendment, however, except those that the Secretary of the Navy himself thought possessed merit.

Mr. BLANTON. No; only such claims and none other, but they are the only ones that are now under consideration—the ones that the Secretary will approve of as having merit in them.

Mr. GARRETT of Tennessee. Whatever a claimant might think, if the Secretary of the Navy did not think the claim possessed merit he could not go to the Court of Claims.

Mr. BLANTON. No; but under the bill if the Secretary of the Navy thinks there is no merit in it he would not make any recommendation to Congress concerning it and there would not be any such claim before Congress. Only such cases will come before the Congress, under the bill itself, which the Secretary of the Navy determines have merit in them.

Mr. GARRETT of Tennessee. That is, under the terms of this bill?

Mr. BLANTON. Yes; and those same cases, by my amendment, would be presented to the Court of Claims instead of Congress.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. VINSON of Georgia. Will the gentleman yield now for a question?

Mr. BLANTON. For a question; yes.

Mr. VINSON of Georgia. The gentleman's amendment is a great deal broader than the language of the bill, is it not?

Mr. BLANTON. No; but if it is, then why object to it?

Mr. VINSON of Georgia. For the simple reason that if these contractors have made large profits they are not entitled to continue to mulct the Government.

Mr. BLANTON. I am not afraid of the Court of Claims mulcting the Government in any instance, and that is the reason I want these cases to go to them. What is the proper tribunal to pass on these matters, in the last analysis? Are the Members of Congress the proper tribunal, when we are not judicial officers and do not consider them from the standpoint of equity or law but just pass them pell-mell, or is the proper tribunal a court which can hear the evidence and apply the principles of equity?

Mr. MONTAGUE. Will the gentleman permit me to ask him a question?

Mr. BLANTON. Yes; certainly.

Mr. MONTAGUE. Can this court that sits to apply equity undertake to exercise that jurisdiction unless the Secretary of the Navy requests it to do so? Should a court entertain jurisdiction at the instance of one party to a controversy and deny jurisdiction to the other party? Rather poor administration of justice, it would seem to me.

Mr. BLANTON. That would be true if the case could get before them without this special act of Congress; but within the proposals of this bill only those cases which the Secretary finds merit in will he send back to us for settlement, and under my amendment just as many cases as he finds merit in he will transfer to the Court of Claims.

I take it that whenever anyone is afraid to submit a claim to the Court of Claims upon an equitable standpoint under such an amendment as this then such person is in the attitude of being afraid to submit his case for equity to be applied to it. I do not see how any Member could object to the amendment if he is really seeking equity for these contractors. It gives the Court of Claims absolute authority to take a case which the Secretary of the Navy sends to it and adjudicate it from an equitable standpoint and to grant equity from the Government if any equity is due. What more could be asked?

Mr. McKEOWN. Mr. Chairman, I offer an amendment as a substitute for the amendment just offered.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment as a substitute for the pending amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN as a substitute for the amendment offered by Mr. BLANTON: On page 10, line 22, strike out section 9 and insert in lieu thereof the following:

"That jurisdiction be, and is hereby, conferred upon the Court of Claims notwithstanding lapse of time or statutes of limitation to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising out of any contract with the United States through the Secretary of the Navy or the Navy Department from April 6, 1917, to November 11, 1918, inclusive, or in the performance of any portion of such contracts entered into which remained uncompleted on April 6, 1917, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or by any department authorized to settle said claims. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act, an appeal may be taken by either party as in other cases to the Supreme Court of the United States. Any and all claims against the United States within the purview of this section shall be forever barred unless suit be instituted or petition filed in the Court of claims within three years from the 5th day of March, 1925."

The CHAIRMAN. The Chair wishes to ascertain from the gentleman from Illinois [Mr. BRITTEN] whether or not he intends to press his point of order?

Mr. BRITTEN. Mr. Chairman, I will continue to reserve my point of order on the amendment.

The CHAIRMAN. The gentleman from Oklahoma can only speak by unanimous consent and his amendment can only be read for information as long as the point of order is undisposed of.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma may proceed for five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Oklahoma may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McKEOWN. Gentlemen, the President of the United States in his message to Congress said a very forceful thing when he said that the United States ought to settle its debts. I have been one who for many years has contended that these citizens of the United States who have just claims against the Government ought to have an opportunity to present their claims, and if the United States Government owes them anything we ought to pay them in their lifetime. It is not fair to the citizens of this country to have the Government use money that ought to be paid to them, and perhaps it affects them greatly in a financial way.

The proposed amendment protects the Government and protects the contractor. Gentlemen, why entail the labor upon the Navy Department to go to work and investigate these claims? Why not send them to the tribunal where they properly belong, the Court of Claims, where the Government and where the claimants can have a fair and impartial trial?

Mr. TINCHER. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman from Kansas.

Mr. TINCHER. I notice you remove the bar of any statute of limitation with reference to any of these claims. Do you think that is best, or ought you to fix a certain time?

Mr. McKEOWN. I remove the bar of the statute of limitations so that any contractor whom the Government owes, or who has an equitable claim, can go in there and not be confronted with some technical objection because he did not file his claim in time. I bar him if he does not file his claim within three years, but I do not want any man who has an honest claim against the Government to be confronted at the threshold of the Court of Claims with a mere technicality and the plea that he has not filed his claim in time. If his contract was made between the dates mentioned in the bill, then he ought to have an opportunity to be heard in the courts, and we ought to get rid of these claims, because there is no use having them continuously coming up here.

The Congress of the United States owes it to itself and to the country to send these matters to the Court of Claims where they can be judicially determined. The Congress ought not to be required to take the responsibility of settling claims when you have a court provided by law for that very purpose. Why should the Congress take up its time with these matters and run the chance of paying claims that are not just? We ought to send them over to the Court of Claims.

My amendment is fair to the contractor and is fair to the Government.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman.

Mr. WILLIAMSON. Would not the gentleman's amendment open up the court to all claimants whose claims have been rejected and give them an opportunity to go to the Court of Claims a second time?

Mr. McKEOWN. My amendment simply says that every claim that has not been settled either in the courts or by some department authorized to settle the claim may have a chance to come before the Court of Claims if the claim has any legal or equitable standing, and the claimant may there present his facts as to the claim.

Mr. HOCH and Mr. CHINDBLOM rose.

Mr. McKEOWN. I yield first to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Would the gentleman's amendment permit any claim to go before the Court of Claims which would not go before the Secretary of the Navy under this bill?

Mr. McKEOWN. It would not; the language of my amendment confines the claims to that class of claims mentioned by section 9.

Mr. CHINDBLOM. Would a disallowance of a claim be considered as a settlement?

Mr. McKEOWN. It would not be a settlement where the claimant had no claim. If a man can put up a case so that he could go into the Court of Claims, he would have a chance to go.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKEOWN. In other words, if he has had a hearing on his case and it has been settled, then, of course, it is a final settlement. If the Government has said that it would not pay him anything, that is a final settlement—he has had his hearing and it has been disposed of.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. McKEOWN. Certainly.

Mr. LaGUARDIA. Would not the gentleman's amendment cover claims 40 or 50 years back?

Mr. McKEOWN. No; these are claims entirely arising out of the World War, between April 6, 1917, and the 11th of November, 1918.

Mr. CHINDBLOM. And only in the Department of the Navy?

Mr. McKEOWN. And only in the Navy Department. It will take from the department the necessity of making these investigations and relieve Congress from being continually bothered with these claims.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. JACOBSTEIN. In the proposed bill you will find a restrictive clause in relation to these claims. Your amendment makes it wider and broader than the bill.

Mr. McKEOWN. If the claimant has not a legal and equitable claim—and that is a question for the attorney of the Government to go into to show as a matter of defense.

Mr. JACOBSTEIN. But where the man has made a net profit that case can not be adjudicated by the Secretary of the Navy.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, I desire to call the attention of the House, before making my point of order to the Blanton amendment, to the fact that the substitute just offered throws the gate wide open for any contractor who may have made millions during the war and who may have a claim against the Government for some governmental action which promoted loss or damage, and yet, notwithstanding the fact that he has made a million dollars or more, under the substitute amendment he can go to the Court of Claims and get a judgment for the additional amount. The amendment is much broader and wider than the language of the bill. I have no doubt the contractors of the country would like that amendment. On two previous occasions the House objected to that very thing when they passed the section that is now before the House. They did not want the matter thrown wide open. They wanted Congress to determine how much the claimant should get when he was damaged by governmental action.

Mr. HOCH. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. HOCH. What objection would the gentleman have to sending the claims to the Court of Claims for decision under the language of section 9? I mean limited in the jurisdiction of the Court of Claims to precisely these claims mentioned in section 9.

Mr. BRITTEN. Well, I suppose the entire section would have to be rewritten. I am saying that I think the House desires to hold the purse strings in cases of that kind. There has been too much money given contractors in the past for claims made against the Government on war contracts. Every group of contractors who did work for the United States has been settled with with the exception of this small group.

I have said that I would wash my hands of this section and would not fight any more. When you mention relief for a contractor it is just like a red flag to a bull in this House. Certain gentlemen want to get a whack at them. The truth of the matter is they fight all such claims even where the Government has occasioned the loss to the contractor.

Mr. BUTLER. Will the gentleman state the facts of the *Idaho?*

Mr. BRITTEN. They were building the *Idaho* in the New York Ship Building Co. yard. The Secretary of the Navy, Josephus Daniels, notified the company by letter and telegram to work three shifts on the vessel to get the ship completed ready for war. The company did complete the vessel, and they sent in their bill. Nobody will question the honesty of Josephus Daniels. It never has been questioned. The voucher was issued by the Navy Department. There was no dispute between the Navy Department and the contractor; they agreed substantially on the amount.

Mr. BUTLER. And there was not a dollar of profit in it?

Mr. BRITTEN. Not a dollar of profit. The voucher was issued, but the comptroller decided that the Secretary of the Navy had no authority; that he had gone beyond the limit of his authority and he would not pay the company. For six or eight years they have been without their pay, which amounts to some $1,400,000. It is a sin and a shame, and if the company had not had good credit and good banking facilities it

would have wiped them out of existence, because they had no redress in the Court of Claims. They are coming for settlement to the House, and as far as I am concerned I would rather have these claims settled by the Committee on Appropriations than in the Court of Claims.

Mr. BLANTON. Does not my amendment embrace every safeguard that the bill does?

Mr. BRITTEN. No; the gentleman's amendment practically makes the Secretary of the Navy the attorney for the claimant.

Mr. BLANTON. But it embraces every safeguard for the Government that the bill does.

Mr. BRITTEN. It can not and do the other thing.

Mr. BLANTON. It does not strike out any of the safeguards.

Mr. BRITTEN. Mr. Chairman, I want to make my point of order upon the Blanton amendment.

Mr. BUTLER. Mr. Chairman, before the gentleman from Illinois addresses himself to the point of order I wish he would permit me to interrupt him for a moment.

Mr. BRITTEN. Certainly.

Mr. BUTLER. Like my friend from Illinois [Mr. BRITTEN], I am ready to abandon this. For years the Naval Affairs Committee of the House has endeavored to see justice done these people. We are not interested in any of them—they are not our constituents. This House discussed this measure and amended it and this is what resulted in the House. We have brought it back to the House just as the House prepared it, and in my judgment it ought to pass on. Like the gentleman from Illinois, I am through if the House does not want to help the Government keep its obligations and do it in a way so that we keep control of it.

Mr. BLANTON. Mr. Chairman, what is the gentleman's point of order?

Mr. BRITTEN. I am willing to proceed on to a vote, as certain Members are calling for a vote.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. BRITTEN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 1, noes 85.

So the amendment was rejected.

Mr. McKEOWN. Mr. Chairman, I offer now my amendment, which is at the Clerk's desk, and ask for a vote upon it.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 10, line 22, strike out section 9 and insert in lieu thereof the following:

"That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under any contract with the United States through the Secretary of the Navy or the Navy Department from April 6, 1917, to November 11, 1918, inclusive, or in the performance of any portion of such contracts entered into which remained uncompleted on April 6, 1917, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims, or by any department authorized to settle said claims.

"That from the decision of the Court of Claims in any suit prosecuted under the authority of this act, an appeal may be taken by either party as in other cases to the Supreme Court of the United States.

"Any and all claims against the United States within the purview of this section shall be forever barred, unless suit be instituted or petition filed in the Court of Claims within three years from the 5th day of March, 1925."

Mr. LEHLBACH. Mr. Chairman, I make the point of order against the amendment. Section 9 provides that with respect to a certain class of claims the Secretary of the Navy is authorized and directed to ascertain facts and report the same to Congress. We must take cognizance of the law of the land, and hence we know that the Congress is the only body at the present time having jurisdiction over the disposition of these claims. All the section does is to provide for the ascertainment of facts for the use of Congress. The amendment proposed strips Congress of its sole and exclusive jurisdiction over these claims and vests it in the Court of Claims and prescribes to a certain extent the procedure to be followed in bringing these cases before the Court of Claims and the adjudication of them there, which obviously has nothing whatever to do with the proposition to ascertain facts and report them back to Congress.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. GARRETT of Tennessee. I am inclined to agree with the gentleman as a matter of parliamentary law that this is subject to a point of order. I do not think the amendment offered by the gentleman from Texas [Mr. BLANTON] was; but let me ask the gentleman as a matter of policy whether he does not think it would be well for him to withdraw the point of order and let the House in Committee of the Whole express itself upon the question. If this be settled upon a point of order, it will be said that it is a technicality, and we are liable to be confronted with claim after claim in the future about these matters with the insistence that there has been no settlement by any vote of the House.

Mr. LEHLBACH. Mr. Chairman, I withdraw the point of order at the suggestion of the gentleman from Tennessee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. WILLIAMSON) there were—ayes 1, noes 85.

So the amendment was rejected.

The Clerk read as follows:

REPEAL OF SO MUCH OF SECTION 3 OF THE ACT OF JUNE 4, 1920, AS AUTHORIZES TRANSFERS AND APPOINTMENTS IN THE REGULAR NAVY

SEC. 10. That hereafter no officer of the United States Naval Reserve Force shall be transferred to or appointed in the Regular Navy under the provisions of section 3 of the act of June 4, 1920, and so much of said section 3 of the act of June 4, 1920, as authorizes such transfers and appointments is hereby repealed.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman to explain this section.

Mr. BUTLER. Mr. Chairman, this is a repealing act. There was authority through act of Congress for the transfer of men from one service to the other. Those transfers affected about 1,200 men that came out of the Navy, and they had to be transferred one way or the other to settle the matter right after the war was over. The purpose of the act has been accomplished, and, therefore, they have asked to have that section taken from the statute books.

Mr. BRITTEN. This merely makes law of existing practice.

Mr. LAGUARDIA. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

DISCHARGES FOR THE GOOD OF THE SERVICE

SEC. 11. That hereafter persons discharged from the naval service by dishonorable discharge, bad-conduct discharge, or any other discharge for the good of the service, may, upon discharge, be paid a sum not to exceed $25: *Provided*, That the said sum shall be fixed by, and in the discretion of, the Secretary of the Navy, and shall be paid only in cases where the person so discharged would otherwise be without funds to meet his immediate needs: *Provided further*, That hereafter the appropriation, "Maintenance, Quartermaster's Department, Marine Corps," shall be available for the purchase of civilian outer clothing, not to exceed $15 per man, to be issued when necessary to marines discharged for bad conduct, undesirability, unfitness, or inaptitude.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. The House has overwhelmingly voted upon this question of claims. I call the attention of the House to the attitude in which you place the Congress on this matter. Whenever any claim comes up from any Indian tribe or nation against the United States Government the Congress compels them to go into a Court of Claims, there to adjudicate the matter, but contractors with the Navy Department can come directly to Congress and receive their pay and their losses without being compelled to present claims in the Court of Claims. When the war was on and at its height the Food Administrator of the Nation sent out to the farmers of the country and urged them to raise wheat, hogs, cattle, food for the soldiers at the front, and on the announcement of the armistice he immediately withdrew the standardized price from hogs and cattle and let those who had a right to rely upon the Government take their losses.

You never gave them any hearing; you never gave them any opportunity to recover the millions they lost throughout the country. Yet you come here and are not willing to send the contractors even to the Court of Claims to present their claims, but propose to permit them to come in here to be paid out of the Treasury of the United States on some small investigation to be made by the department which made the contracts, whether they were wrong or not. I will say to you that this Congress is inconsistent in its action in this matter and turn-

ing over to the Navy Department the right to fix the claims. Every farmer in this country who relied upon the stabilizing of the price fixed by the Food Administrator during the war had the right to assume that he would have the right to dispose of his high-priced food, high-priced cattle, of his high-priced hogs that he had raised at the request of the Government, and his claim for damages by reason of the armistice is just as meritorious as some of the claims you propose to pay without referring them to the Court of Claims.

I have no right to scold because you exercise your judgment, you have had your say about it, but I want to call your attention to the fact that now you go out and say to this department, "You can pass on the merits and we will pay them." If you are going to leave it to a department, you can well leave it to the Navy. When the war broke out here you could not find men in the Army or Navy to make contracts. The business men just had to go up and down Washington streets and out to camps and back to find somebody to make a contract. When the war was over you could not haul all the contracts that were made in a wheelbarrow. You passed legislation to pay them when the war was over, and here you come again and say this department shall go down here and pass upon these claims that they themselves made; that the department is to say whether it is a just claim——

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. McKEOWN. Yes; I will yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. The gentleman, my good friend from Oklahoma, evidently overlooks certain language that is in this provision. The Secretary of the Navy will make investigations of claims; there will be a certification by him to the Budget. The Budget will then certify it to the Congress, and that certification will go to the Appropriations Committee. The Appropriations Committee will investigate, presumably, and then the House itself in the Committee of the Whole House on the state of the Union will have all of its opportunity to pass upon the provisions contained in an appropriation. Now if this had been a matter of turning over to the Secretary of the Navy the determining of it I doubt if it could have mustered a vote in this House. But I call the attention of the gentleman to this express declaration:

> But such findings by the Secretary of the Navy so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government.

So the gentleman would not want to say that it rests wholly in the discretion of the Secretary of the Navy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. I ask for five additional minutes.

Mr. BRITTEN. May I suggest to my good friend from Oklahoma that the Committee on Naval Affairs has two other important bills, one the Reserve Corps bill in which the gentleman himself is seriously interested, and we would like to bring up that bill to-night, but if the gentleman continues to talk I will say to him I am afraid that this bill, which will save $400,000 annually to the Treasury for the same number of men in the Reserve Corps, will not be reached to-day, and consequently will not be reached during the present session of Congress.

The CHAIRMAN. Is there objection?

Mr. MacLAFFERTY. Mr. Chairman, I object.

Mr. GARRETT of Tennessee. I hope the gentleman will not object. I called the attention of the gentleman to a matter and I think he ought to have a minute or two.

Mr. MacLAFFERTY. I withdraw the objection.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McKEOWN. The gentleman from Tennessee calls my attention to this provision. The gentleman from Tennessee is correct, but, my friends, when they go to the Court of Claims the same power to control the appropriation still rests in the Congress.

Mr. CARTER. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. CARTER. Can the gentleman recall during his service of a judgment of the Court of Claims having been refused to be appropriated for by the Congress?

Mr. McKEOWN. I will say this to the gentleman: That I have not heard of any claim being rejected by the Congress approved by the Navy Department either. They have to go through the same process as if they go to the Court of Claims. A claim goes to the Court of Claims and that court passes upon it, and it comes back here and goes to the Budget Committee and goes through the same process. There is no difference between the process except this, that instead of being recommended by the Navy Department and passed by the Budget it will be made upon a judgment of the Court of Claims sent to the Budget Committee; if it is approved by the Budget Committee the appropriation will be made. That is all the difference. It is just a different process.

Mr. CARTER. I call the gentleman's attention to the fact that several things have been recommended before we had the Budget; several claims that I have knowledge of were presented by the department; claims which were turned down by the Congress.

Mr. McKEOWN. The proposition is this: You have turned over to the departments the right to investigate and report on certain claims. Now you propose to take those claims without a judicial determination and have the department which incurred the claim pass upon its own contract and the equity existing under its own contract. I say it is not fair to the Government of the United States and it is not fair to the taxpayers.

It may be asked, why not let every other claim go to the departments? There are claims here time after time from the West, approved by the Secretary of the Interior, determined by him and recommended by him for payment, and they have lain here on the table for 20 long years, and you can not get consent out of the Congress to settle honest, just claims.

Now I am complaining, and I have a right to complain, at the treatment you give to one class of citizens in favor of another class. There have been claims in this Congress that have been reported out favorably and they have been heard and commissions have been appointed to determine them, and you will not let them go to the Court of Claims. I say you are not consistent. This very action here now will come back to haunt you in the future when you consider the matter of claims. You will have to meet the same problem some time in the future, because if every claimant who had a claim during the war can go to the department that he made the contract with where is the protection given to the people who pay the taxes of this country?

Gentlemen, it is not my business here to criticize you. I simply call your attention to your action in this regard and your treatment of other claims against the United States Government. There are hundreds of claimants who have claims just as honest and meritorious and equitable as those that arose out of the war, and they can not be heard.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MARINE BAND

SEC. 12. That the band of the United States Marine Corps shall consist of 1 leader, whose pay and allowances shall be those of a captain in the Marine Corps; 1 second leader, whose pay shall be $200 per month, and who shall have the allowances of a sergeant major; 10 principal musicians, whose pay shall be $150 per month; 25 first-class musicians, whose pay shall be $125 per month; 20 second-class musicians, whose pay shall be $100 per month; and 10 third-class musicians, whose pay shall be $85 per month; such musicians of the band to have the allowances of a sergeant: *Provided*, That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: *Provided further*, That the pay authorized herein for the second leader and the musicians of the band shall be effective from July 1, 1922, and shall apply in computing the pay of former members of the band now on the retired list and who have been retired since June 30, 1922: *Provided further*, That in the event of promotion of the second leader, or a musician of the band to leader of the band, all service as such second leader, or as such musician of the band, or both, shall be counted in computing longevity increase in pay: *And provided further*, That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances.

Mr. LaGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LaGUARDIA. Mr. Chairman, I ask unanimous consent to extend my remarks on the Marine Band.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks on the Marine Band. Is there objection?

There was no objection.

Mr. LaGUARDIA. Mr. Chairman, I want to congratulate the committee in giving the House an opportunity to do something for the Marine Band. While the provisions made in the bill may seem to some to be substantial, I personally do not believe that we are doing enough for the splendid men, yes, art-

ists, who make up this great musical organization. Every one of these men could go out in civil life and make as much in one week as we are here granting them for a month. My purpose to-day is that the House should express its appreciation for the high artistic standard which the Marine Band has achieved, and to express our congratulations to the musicians and the leader of this splendid organization.

Capt. William H. Santelmann, known throughout the United States as Professor Santelmann, is, indeed, to be congraulated in what he has been able to accomplish. The Marine Band, with its nation-wide fame, has become an American institution. It is the last word in perfection as a military band, and of late has developed an orchestra of which the Nation may well be proud—an orchestra which compares favorably with the best symphony orchestras of the country.

I want to call the attention of my colleagues that every Wednesday night the Marine Band Orchestra gives a concert of classical music at the Marine Barracks in this city. To attend these concerts is not only an enjoyment, but instructive. To my colleagues who are lovers of music, or have in their families those who appreciate good music or who are studying the art, I commend these Wednesday night concerts. For—

> Music hath charms to soothe a savage breast,
> To soften rocks, or bend a knotted oak.
> I've read that things inanimate have moved,
> And, as with living souls, have been inform'd
> By magic numbers and persuasive sound.

And—

> Music's force can tame the furious beast:
> Can make the wolf or foaming boar restrain
> His rage; the lion drop his crested mane
> Attentive to the song.

Professor Santelmann has labored for years to bring this band to its high state of perfection. As a military band I dare say that it is about the best in the whole world. The labor which Professor Santelmann and his musicians have given to perfect the orchestra is above and beyond the ordinary call of duty and may be considered by us their contribution to the United States Government.

The band first came to its prominence under the leadership of the famous March King, John Philip Sousa. He was succeeded by Professor Fanciulli, who in turn was succeeded by the present leader, Capt. William H. Santelmann. To Professor Santelmann is due the credit of having first organized the Marine Band Orchestra about 25 years ago.

I want to take this opportunity to read a brief history of the United States Marine Band which was written by Maj. Edwin North McClellan, historian of the corps:

Shortly after November 10, 1775, when the Continental Congress said, "Let there be marines!" Benjamin Franklin, in Philadelphia, saw on the drums of the marines recruiting the regiment authorized a rattlesnake, and under it the motto, "Don't tread on me!" That motto survives to-day on the drums of our Marine Corps, and those drummers and their fifers were the forerunners of the famous Marine Band.

Fifes and drums were the only musical instruments used by our military in the Revolution. A group of 10 or more of them was called a "band," and those gallant marines possessed as fine a "band" as any other military organization of the period. With the end of the Revolution came the end of everything military in our country, and it is not until 1797 that we again find marines and "musics"—those that served on the frigates of the new Navy which Congress authorized in 1794.

In 1798 Congress decided that the country could no longer get along without an organization of marines, and on July 11 of that year John Adams approved a bill that brought the new Marine Corps into being. This act of Congress authorized a drum major, a fife major, and 32 "drums and fifes."

Some of these "musics" were sent out on recruiting duty, some fell in battle on board our warships from 1798 to 1801 in the French naval war, while a sufficient number were retained in Philadelphia, and under Drum Major William Farr a fife and drum corps was formed.

When the Capital moved to Washington in 1800 the marines, including Drum Major Farr's fife and drum corps, went along, and in July camped on a "beautiful hill overlooking the Potomac," the same hill on which to-day stands the Naval Hospital.

The Federal City is described as a "barren desert" in 1800, and William Ward Burrows, the first commandant, decided to organize a real military band to dispel the monotony. Encouraged by President John Adams, by Vice President Thomas Jefferson, and by Benjamin Stoddert, the first Secretary of the Navy, Colonel Burrows soon developed the embryo band started in Philadelphia into a military band of wind instruments. After the arrival of Thomas Jefferson in Washington late in November, he and Colonel Burrows frequently were seen riding along the wooded bridle paths tracing the romantic Rock Creek, discussing, among other things, the new Marine Band.

The first recorded open-air concert by the Marine Band in the Capitol City was an informal one on August 21, 1800, when Washingtonians thronged the marine camp "on the hill" to hear the band led by William Farr, its first leader. There is no record of what instruments were played by the band on this date, but by December they consisted of two oboes, two clarinets, two French horns, a bassoon, and a drum. Efforts to secure a bass drum were not successful for several months.

The Marine Band is the most ancient of American military bands, and it was the only band of a public nature in Washington up to some time later than 1830.

After holding informal concerts at their camp and playing dance music for balls of the Washington assembly—the first of which was held at Stelle's Hotel late in 1800—the band was prepared to make its official debut when President Adams received at the White House on New Year's Day, 1801. This was the first of a long line of New Year's Days, from the time of John Adams to that of Calvin Coolidge, on which the band has played at the White House receptions. Since Jefferson's day it has played at every inauguration when that ceremony called for the presence of a band. During its history every President has called upon it to play for functions at the White House, and all have praised its efforts; but of its many friends the "Lady of the White House" has always been its warmest admirer and most helpful patron.

Scarlet coatees faced with blue, white-cloth pantaloons with black gaiters up to the calf of the leg, high-crowned hats without brims, "brass eagle," blue hatband with red-plush plume, and a blue, yellow, and red cord with tassel formed the uniform of the band at its formal debut.

From 1800 to 1924 there have been 15 leaders of the Marine Band—William Farr, Charles S. Ashworth, John Powley, Venerando Pulizzi, John B. Cuvillier, Joseph Cuvillier, Francis Schenig, Raphael R. Triay, Antonio Pons, Joseph Luchesi, Francis Scala, Henry Fries, Louis Schneider, John Philip Sousa, Francisco Fanciulli, and the present leader, William H. Santelmann.

There exists a false tradition which claims that the origin of the Marine Band lay in a group of kidnaped Italians. This tale has, in a small degree, withheld from the Marine Band a fair share of its glory as an American musical organization. "The music of a nation expresses its soul"; it "interprets its history, its religion, its patriotism, and its social customs as do few single mediums." In America the Marine Band has most aptly illustrated this. And there is no American musical organization that has achieved more in this direction than our Marine Band. There is probably no organization that has exercised a more potent Americanizing influence than this band. Let it be said right here that the foundation of the Marine Band is American and not transplanted Italian, as the false tradition has it. It is an American growth in root as well as in branch.

Thomas Jefferson, "the godfather" of the Marine Band, called for its presence frequently during his two administrations. It played for James Madison when he became President on March 4, 1809, and on the evening of that date, at Long's Hotel, its stirring strains ushered in the first inaugural ball ever held. The ball opened at 7 o'clock when Thomas Jefferson entered, the Marine Band playing Jefferson's March. As President Madison, with "sweet Dolly" on his arm, entered the band struck up Madison's March. The band has been a familiar sight at practically every inaugural ball held since.

During the second war with Great Britain the Marine bandsmen not only helped to maintain national morale in the Capital with their national airs and martial strains, but some fought at the Battle of Bladensburg, while others assisted in saving the early records of the corps when the British burned the city.

The band was unusually prominent during the administrations of James Monroe and John Quincy Adams. It played at the White House several times for Lafayette in 1824 and the following year, and accompanied the "Nation's guest" to Mount Vernon and Yorktown. On September 6, 1825 (the birthday of Lafayette), President Adams rose and proposed the first toast ever drunk at a dinner in the President's house—"The 22d of February and the 6th of September." The toast was drunk standing to The Marseillaise, by the Marine Band, which also played an appropriate air to Lafayette's response—"The 4th of July, the birthday of liberty in both hemispheres."

When General Henderson, the commandant of the corps, received Lafayette at his residence, the present home of General Lejeune, the Marine Band rendered appropriate honors.

Often did the band play for President Jackson his favorite air—Auld Lang Syne—and it also played in the presence of Jackson's 1,400-pound "mammoth cheese" in 1829, as in 1802 it had for the 750-pound "great cheese" of President Jefferson.

It played for President Polk and the Nation throughout the Mexican War and buoyed national spirit, while it also assisted in recruiting.

The band had a very beneficial effect on public morale during the war of the Confederacy. President Lincoln insisted that it continue its outdoor concerts and frequently called upon it to play at the White House. It also was present when Abraham Lincoln made his historic Gettysburg speech.

Abraham Lincoln and Andrew Johnson were sworn into office on March 4, 1865. Immediately after the conclusion of the address the Marine Band played the national air, God Save Our President, the music of which had been specially arranged for the band. What a remarkable coincidence that such a prayer should be carried to high heaven one month and 10 days before he was stricken down by an assassin!

Shortly after he assumed office President Johnson reviewed General Hancock's Veteran Corps, prior to its disbandment. Being short on music, General Hancock borrowed the Marine Band for the occasion. It marched about two miles at the head of the column, formed in front of the President, and played while the entire corps passed. General Hancock was so pleased that he shook hands with the leader of the band and invited the bandsmen to have luncheon with the President of the United States at two long tables prepared under canvas.

The band played at the first egg rolling on the White House grounds and for the first White House children's party when Andrew Johnson was President.

It has played at all the important weddings in the White House, including those of Nellie Grant and Alice Roosevelt.

It has visited, in its annual concert tours, practically every State in the Union. The band never has toured abroad, but the world has come to America to hear it play. Thousands of prominent diplomats and other noted foreigners have heard it. When President Buchanan entertained the Prince of Wales (Edward VII) for a week at the White House, the band virtually lived at the President's.

Not only on gala days has the band performed for the President "and his lady," but also on days of national bereavement. The band led the 2-mile-long funeral procession that mourned for William Henry Harrison, and General Henderson with nine marines guarded his body to North Bend. The band played the funeral dirge for Zachary Taylor, for Abraham Lincoln, and accompanied the body of James A. Garfield to Cleveland. At the funeral of William McKinley the band played the hymns that were always dear to his heart—Lead Kindly Light and Nearer My God to Thee. In life the band played for Warren G. Harding his favorite air, Perfect Day, and in his death it played the hymn he liked above all others, Lead, Kindly Light.

Every President of the United States, except George Washington, has heard the music of the Marine Band, and all of them have encouraged its improvement. George Washington, no doubt, listened to the old fife and drum corps in Philadelphia; John Adams was the first President who heard the band play at the White House; President Jefferson was its sponsor and greatest friend; President Van Buren instituted the formal outdoor concerts at the Capitol Grounds, and President Tyler those at the White House grounds; President Pierce in 1856 approved legislation according the band extra emolument for playing on the grounds of the President and the Capitol (after it had so played gratuitously for over 18 years); President Abraham Lincoln on July 25, 1861, signed an act of Congress which gave the band the full official status that it deserved; on March 3, 1899—25 years ago—President McKinley signed an act that doubled the strength of the band, authorized that the leader should have the pay and allowances of a first lieutenant, and provided a second leader. The legislation was brought about by the earnest recommendation of Brig. Gen. Commandant Charles Heywood.

William H. Santelmann, the present leader, was the first to occupy this office with the pay and allowances of first lieutenant in the Marine Corps.

The band was further increased in 1916 during the administration of Maj. Gen. George Barnett. On the 29th of August of that year President Wilson by his signature made a law which established the strength of the band at 65 musicians and provided that the leader should have the pay and allowances of a captain in the Marine Corps.

In November, 1918, the Marine Band, which theretofore had been attached to the Washington Marine Barracks, was ordered to be attached to headquarters and Lieut. Col. John W. Wadleigh, commanding officer of the barracks, received orders as its commanding officer. Colonel Wadleigh was succeeded in turn by Maj. Clayton B. Vogel and Col. James C. Breckinridge, the present commanding officer of the barracks and of the band.

Prior to March 3, 1899, the Marine Band was a magnificent organization with a history interwoven with that of the Presidents and the White House. Its leaders were splendid musicians and many of them composers. In 1813 Leader Ashworth wrote a book on military music which was adopted by the Army, Navy, and the Militia. Meritorious works were prepared by other leaders. Led by John Philip Sousa, the famous March King, the band rose to heights never before reached by an American military band.

Presidents Hayes, Garfield, Arthur, Cleveland, and Harrison not only very frequently expressed their high admiration of the performances of the Marine Band at the White House, but were warm personal friends of John Philip Sousa. The incidents occurring at the White House described by Sousa in his charmingly written books and articles form an intimate part of the White House history.

While as early as 1801 it was accepted as the National band and as the band of the President, and while it gradually added to its fame throughout the long years of our Nation's history, nevertheless it was not until 1899 that Congress afforded it an opportunity to reach its full development as a military band and as a symphonic organization. When, in that year, the band was increased from 30 to 60 members, Mr. Santelmann thought it an appropriate time to organize a symphony orchestra within the band. With this end in view he required that every member of the band double on a string instrument unless he be a soloist. Being himself a violinist of note and thoroughly experienced in symphony work he was very successful in this new venture. Mr. Santelmann after about four years of intelligent preparation declared in 1902 that the orchestra was ready for use at the White House and since that year the Marine Band has played there at all its indoor functions as a symphony orchestra.

It has taken 25 years to gradually evolve the Marine Band from a remarkable military band of wind instruments to its present status. It has taken unusual patience, endurance, and ability on the part of the leader to bring this result about.

During his quarter of a century as leader of the Marine Band Mr. Santelmann has led it in many important engagements of national and international importance. He is a composer of notable talent and ability. The band, under Mr. Santelmann, has played for Presidents McKinley, Roosevelt, Taft, Wilson, Harding, and Coolidge. Under his direction the band has furnished music on many occasions, when visiting royalties and other high dignitaries were present, and at ceremonies of great historic importance. In recognition of his valuable services to the public he has received a number of diplomas and decorations, among which are diplomas from the Trans-Mississippi Exposition in Omaha, the Buffalo Exposition, and the Louisiana Purchase Exposition in St. Louis. He has also received a degree of doctor of music from the George Washington University.

Besides the various official engagements Mr. Santelmann has taken the band on many successful concert tours throughout the country, covering practically every State of the Union.

With such a proud history it is no wonder that our Marine Band has always occupied such a warm position in the affections of not only the many Presidents, their families, and official Washington, but in the hearts of all Americans.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REIMBURSEMENT TO CERTAIN FIRMS, ASSOCIATIONS, AND CORPORATIONS FOR MONEY ADVANCED

SEC. 14. That the Paymaster General of the Navy is hereby authorized, in his discretion, to make reimbursement to any individual, firm, association, company, or corporation for money advanced on behalf of the Government during the late war to any officer or enlisted man of the naval service on account of pay if upon presentation of evidence satisfactory to himself it is established that such individual, firm, association, company, or corporation has not heretofore received reimbursement in any way for the money so advanced: *Provided*, That the total amount for the purpose of reimbursement shall not exceed the sum of $35,000: *Provided further*, That any amounts thus allowed shall be payable from the appropriation for pay of the Navy current at the time of settlement.

Mr. McCLINTIC. Mr. Chairman, I move to strike out the last word for the purpose of directing a question to the chairman.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. McCLINTIC. On line 10 of page 15, referring to the Paymaster General of the Navy, after the word "Navy," would it not be better to have that read, "with the approval of the Secretary of the Navy"?

Mr. BUTLER. Is that the matter that the gentleman spoke of the other day in the committee?

Mr. McCLINTIC. Yes. After the word "Navy," in line 10, I offer an amendment, to insert "with the approval of the Secretary of the Navy."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 15, line 10, after the word "Navy," insert the words "with the approval of the Secretary of the Navy."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oklahoma.

The amendment was agreed to.

Mr. O'CONNELL of New York. Mr. Chairman, I move to strike out the last word. I offer an amendment on line 14, after the word "the": Strike out "late war" and insert "World War."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. O'CONNELL of New York: Page 15, line 14, strike out the words "late war" and insert in lieu thereof the words "World War."

Mr. BUTLER. Mr. Chairman, I accept that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TRAINING DUTY, NAVAL RESERVE FORCE

SEC. 15. That officers and men of the Naval Reserve who may, upon their own application, under such regulations as the Secretary of the Navy may prescribe, perform training duty for periods of less than 15 days each may be furnished subsistence in kind or commutation therefor at the rate fixed by law.

That enrolled men of the Naval Reserve may hereafter, in the discretion of the Secretary of the Navy, be confirmed in the lowest enlisted ratings of the naval service without first performing the minimum amount of active service required in the act approved August 29, 1916, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes."

That on and after July 1, 1922, the retainer pay of all men who were on that day transferred members of the Fleet Naval Reserve or the Fleet Marine Corps Reserve shall be computed on the rates of pay authorized for enlisted men of the naval service by the act approved June 10, 1922: *Provided*, That the retainer pay of said reservists shall be not less than that to which they were entitled on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date.

Mr. BUTLER. Mr. Chairman, paragraph 3 under that section we will ask to be stricken out. It is already provided for in the law now existing. It begins on line 15 of page 16 and continues on down to line 23.

Mr. CHINDBLOM. Is the law that has been enacted of exactly the same force and effect as this paragraph?

Mr. BUTLER. Yes. That has already been provided for by Congress.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 16, beginning with line 15, strike out all down to and including line 23 on the same page.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MARINE CORPS SUPPLY DEPOT, SAN FRANCISCO, CALIF.

SEC. 17. That the Secretary of the Navy is authorized to take the necessary steps to construct a building for use as a supply depot for the Marine Corps, San Francisco, Calif., the cost, including the grading of the site, not to exceed $335,000, and to submit an estimate for the necessary funds to the Director of the Bureau of the Budget for inclusion in the Budget for the service for the fiscal year ending June 30, 1925: *Provided*, That the Secretary of the Treasury is hereby authorized to transfer to the Navy Department a tract of land situated in the city of San Francisco, Calif., consisting of four 50-vara lots fronting 275 feet on the north side of Harrison Street and extending back, bounded by Spear and Main Streets, 275 feet, for use as a site for the building herein authorized.

Mr. BUTLER. Mr. Chairman, I move to strike out the whole section. It has already been provided for. Since we first introduced this bill and asked the House to consider it that has been taken care of by other legislation on an appropriation bill.

Mr. MacLAFFERTY. Was that during the last session that it was provided for?

Mr. BUTLER. Yes. It came in on an appropriation bill from the Senate.

Mr. VINSON of Georgia. It was taken care of on the 28th of May.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. BUTLER offers the following amendment: Page 17, beginning on line 10, strike out all of section 17 down to and including line 2 on page 18.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The Clerk read as folows:

COMMANDER CHARLES O. MAAS

SEC. 18. That the Secretary of the Navy is authorized to supplement the military record of the late Lieut. Commander Charles O. Maas, Naval Reserve Force, to show the voluntary service performed by said Lieutenant Commander Maas, and accepted by the Navy Department subsequent to the date upon which he was placed on inactive duty, and that such acceptance may be treated as a recall to active service: *Provided*, That no back pay or allowances of any kind shall accrue as a result of the passage of this section.

Mr. GARRETT of Tennessee. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT of Tennessee. I desire to ask a question of the chairman of the committee. This bill, I believe, has passed the House heretofore?

Mr. BUTLER. Yes.

Mr. GARRETT of Tennessee. Is that the case in which the officer was out of the service for a little while?

Mr. BUTLER. Yes. I will say to my friend that this is purely an effort on the part of the Naval Affairs Committee to satisfy the sentimental feeling which the widow of this officer had for her husband, who died in service but while he was temporarily out of it. He had been detailed for some civil service, and she desires it to appear that when he did die, he died in the service. Mind you, he was not out of the service, but he was detailed for some civil duty.

Mr. GARRETT of Tennessee. It is merely a correction of the record?

Mr. BUTLER. That is all. And, furthermore, it costs not one penny.

The Clerk read as follows:

UNITED STATES NAVY BAND

SEC. 19. That hereafter the band now stationed at the navy yard, Washington, D. C., and known as the Navy Yard Band, shall be designated as the United States Navy Band, and the leader of this band shall receive the pay and allowances of a lieutenant in the Navy: *Provided*, That all service as an enlisted man in the naval service shall be counted in computing longevity increases for pay of this leader: *Provided further*, That no back pay or allowances shall be allowed to this leader by reason of the passage of this act: *And provided further*, That hereafter during concert tours approved by the President members of the United States Navy Band shall suffer no loss of allowances.

Mr. LINTHICUM. Mr. Chairman, I desire to offer an amendment.

Mr. BUTLER. Will the gentleman from Maryland, before he offers his amendment, permit me to make an explanation?

Mr. LINTHICUM. Yes.

Mr. BUTLER. I am going to suggest that this is all provided for in existing law except for the leader himself. This has all been provided for in other paragraphs of other bills, except the provision that fixes the leader's salary. Of course, he is a great musician.

Mr. LINTHICUM. My amendment has nothing to do with that.

Mr. BUTLER. Very good.

Mr. BRITTEN. And I want to suggest that this changes the name of the band from the Navy Yard Band to the United States Navy Band.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 19, after section 19, insert a new section to read as follows:

"That the pay and allowances of the members of the Naval Academy band shall be based upon the provisions of section 10 of the rates of pay provided in the act of June 10, 1922: *Provided*, That nothing in this act shall operate to reduce the pay any member of the Naval Academy band was in receipt of on June 30, 1922."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the bill.

The CHAIRMAN. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. LINTHICUM. Mr. Chairman, I can not see why it is not germane to the bill. We are providing for the Marine Band in this bill and also for the United States Navy Band. We are not only providing for that band, but we are changing the name of it, and we are taking up various other matters. If anything is germane to this bill, I do not see why this is not.

The CHAIRMAN. Will the gentleman from Maryland indulge the Chair one question?

Mr. LINTHICUM. Yes.

The CHAIRMAN. Is there anything in this bill anywhere which relates to the Naval Academy?

Mr. LINTHICUM. No; there is nothing that relates to the Naval Academy.

Mr. GARRETT of Tennessee. Mr. Chairman, in so far as the title might in any way be controlling as affecting the point of order, if the gentleman from Maryland will yield——

Mr. LINTHICUM. Certainly.

Mr. GARRETT of Tennessee. The title of the bill is a very peculiar title, "Providing for sundry matters affecting the naval service, and for other purposes." Certainly the Naval Academy has something to do with the naval service.

Mr. BLANTON. Mr. Chairman, since the chairman of the committee does not see fit to make a point of order against this amendment, I will withdraw it, although the point of order is good, in my judgment. [Laughter.]

Mr. LINTHICUM. Mr. Chairman, I want to say that the Naval Academy is mentioned on page 8 of the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

The Clerk read as follows:

ENLISTMENTS IN THE NAVY

SEC. 20. That hereafter enlistments in the Navy may be for terms of two, three, four, or six years, and all laws now applicable to four-year enlistments shall apply, under such regulations as may be prescribed by the Secretary of the Navy, to enlistments for a shorter or longer period with proportionate benefits upon discharge and reenlistment.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Mr. JONES offers the following amendment: Page 19, line 9, after the word "reenlistment," insert the following: "*Provided*, That hereafter, upon the presentation of satisfactory evidence as to his age, and upon application for discharge by his parent or guardian, presented to the Secretary within one year after the date of his enlistment, any man enlisted after July 1, 1924, in the naval service or Marine Corps under 21 years of age, who was enlisted without the written consent of his parent or guardian, if any, shall be discharged for his own convenience."

Mr. JONES. Mr. Chairman, I think the chairman should accept that amendment. It is worded exactly as the amendment was worded when it was placed upon the naval appropriation bill of last year except for one change. The amendment of last year was originally offered by my colleague from Texas [Mr. CONNALLY], was inserted in the appropriation bill of last year, and later made permanent law. The only change in the amendment which I have suggested is to give the parent or guardian one year in which to file application for discharge with the Secretary of the Navy instead of 60 days, and to write the change into the permanent law. I will state that since this amendment has been in effect on July 1, 1924, I have had two instances of boys under 21 years who were enlisted and whose parents got around to the proper method of making applications for discharge after 60 days from the time of enlistment and they were thus barred. They ought not to be barred within 60 days. They frequently write to the commanding officer, and before the proper channel is found the 60 days has elapsed.

Mr. BUTLER. What was the action of the House on the question of enlistment?

Mr. JONES. My amendment is in the exact words of the one adopted last year except that it makes the limit one year instead of 60 days for the filing of the application.

Mr. VINSON of Georgia. Under the law to-day such an application must be filed within 60 days, while under the gentleman's amendment it could be filed within one year.

Mr. BLANTON. It gives them one year instead of 60 days.

Mr. JONES. I have heard a number of Members complain that the present 60-day limit bars many applications, and as the House has taken action on this question there ought not to be any opposition to my amendment.

Mr. BUTLER. As it is late in the afternoon let us make a bit of a compromise and make it six months, because they tell us in the Navy they would not like to have the period extended to one year.

Mr. JONES. I think that would be quite enough. I ask unanimous consent that I may amend my amendment in that way and make it six months instead of one year.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment by changing "one year" to "six months." Is there objection?

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

SEC. 21. That any officer of the Marine Corps now in the service shall be credited for all purposes with the actual time served prior to the passage of this act as chief clerk of the Commandant of the Marine Corps previous to being commissioned: *Provided*, That no back pay or allowances of any kind shall be allowed as a result of the passage of this section.

Mr. CONNALLY of Texas. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. CONNALLY of Texas. I move to strike out the last word. I want to ask the gentleman from Pennsylvania the name of the gentleman in the Marine Corps that this section is intended to benefit.

Mr. BUTLER. Mr. Chairman, evidently my friend was present when this was discussed a year ago——

Mr. CONNALLY of Texas. No; I never heard of it in my life before.

Mr. BUTLER. I will be delighted to tell the gentleman about it.

Mr. CONNALLY of Texas. But I know from the way this language is drawn that it is intended to do a favor for some individual, and I want to know who it is.

Mr. BUTLER. I am not going to mislead this House on anything.

Mr. CONNALLY of Texas. I know the gentleman will not, and that is why I am asking him about it.

Mr. BUTLER. I thank the gentleman for the compliment. It refers to General McCawley.

Mr. CONNALLY of Texas. I did not know who he was, but I knew it referred to some individual.

Mr. BUTLER. It refers to General McCawley, who is one of the most efficient quartermasters the Marine Corps ever had, and we are all willing to testify to this man's great economy and great service which he has rendered this corps. He is permanently appointed under an old law. He can not retire, because he has not had 30 years of service. He can not be removed, because under an old law he is entitled to remain where he is. He is within two years or two years and a half of the retiring period. He had rendered most excellent service as a military man, as a soldier in the Spanish-American War, and has been decorated for his bravery. There are precedents where civilians——

Mr. CONNALLY of Texas. Why do you want to retire him? That is what I am getting at. What has he done?

Mr. BUTLER. I will be delighted to answer that. I suppose perhaps the RECORD ought not to contain my answer, but the gentleman from Texas wishes it, and this is it. While I am living I would like to see the man who, in my judgment, is the best administrative officer in the entire service, either the Army or the Navy, promoted—Colonel Radford, of Philadelphia, the only man in this country who hands back money to the Government every year. General McCawley is perfectly willing to retire if Congress will give him the benefit of two and a half years of service. I want to see Colonel Radford, of Kentucky, who runs this great depot in Philadelphia not only to the advantage of his corps but to the advantage of the whole Government, promoted. He is the only officer that hands back money to the Government every year out of his appropriation; and I would ask that this might be done. There is a precedent for it. It would not be fair to General McCawley to say that it was for the good of the service, but in my judgment a most excellent administrative officer would be promoted. He is an officer who rendered fine service during the war and accomplished great economies, and I hoped the House would be willing, as the House has done on two other occasions, to allow this measure to go through.

Mr. CONNALLY of Texas. I will say to the gentleman that the House will do this all right, and will do it because the gentleman wants it done. It will do it because the gentleman's committee wants it done, but it is wrong. It is wrong

to bring in legislation of this kind. It is wrong for the Naval Affairs Committee, a great committee, to single out some individual, and in order to benefit that individual come into this House and ask the Congress of the United States to take a man by law out of his rank and lift him up over all the great mass of officers in the Marine Corps and, in order to confer a special benefit and a special favor upon one individual, change the whole law of the Marine Corps in order that some man whom the gentleman from Pennsylvania likes——

Mr. BUTLER. I admire him very greatly.

Mr. CONNALLY of Texas. Or some man whom the gentleman from Illinois likes——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask that I may have two additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. It is wrong, gentlemen. When a man goes into the Army or into the Marine Corps or into the Navy he ought to stand upon the same basis as every other man, and that is the basis of merit and the basis provided by law. And, forsooth, because somebody in the Navy or in the Marine Corps will not be able to be promoted unless they get General McCawley out of the way, and he will not become anything more than a colonel in his day and time they reach down and give General McCawley a promotion in the manner proposed here. I do not know General McCawley. I have nothing against him, but when I read this language, although I had never heard of the matter before, I knew there was some individual to be benefited and that this language was drawn so that it would fit that man and would not fit anybody else.

Mr. BUTLER. I do not suppose, Mr. Chairman——

Mr. CONNALLY of Texas. Will the gentleman please not interrupt me just now? I shall yield all the time the gentleman wants later. But let me conclude this sentence. What does this mean, "any officer of the Marine Corps now in the service who was chief clerk of the Commandant of the Marine Corps prior to becoming a commissioned officer"? In other words, there is no other officer in the Marine Corps that that description will fit except General McCawley. Why do you not name him? Why do you not have the courage to come out and say that General McCawley shall have artificially added to his service two and a half years—two and one-half imaginary years? You have not the courage to do that.

Mr. BUTLER. Oh, yes.

Mr. CONNALLY of Texas. But you come in here through this legislative legerdemain, this legislative deception, and you bring in a general description, "any officer," when you do not mean "any" officer—you mean "one" officer. You did not mean "any" officer when you said that any officer of the Marine Corps——

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask for three minutes more.

Mr. BUTLER. I ask that the gentleman may have additional time. I want to ask him one question.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. I love the gentleman from Pennsylvania, but I am talking about the principle that should govern the departments. We stand before the world saying we are all on a plane of equality; that this is the land with no special privileges. We believe in every citizen having the same rights, and yet, if you get into the Marine Corps or the Army or the Navy and you have influential friends on Capitol Hill or on one of these committees—the Naval Committee or the Military Committee—what do you do? This provision is general in its terms. "Any officer"—you would think there was a whole flock who had been chief clerks for the commandants, a whole regiment of them. "Any officer"—but when you come to investigate you find that you have described only one man. He is 6 feet 3 inches tall, he weighs 223 pounds, he is so many years old, so that there is only one man whom it describes, and no mistake about it. You make it as certain as the story of the one-eyed man in the poker game who had been cheating and stealing. One of the players went on to say, "I am not mentioning any names; I am laying down a general rule of conduct, but if that fellow who has been stealing don't quit cheating I am going to shoot his other eye out." [Laughter.]

It is wrong; we are making the Marine Corps and the Navy and the Army a privileged class. You are making it a privileged class not only from civilians but you are making it a privileged class among the Navy and the Marine Corps. You are establishing a class, a cabal, a little military order within the services themselves. You are picking out a man by name and giving him the privilege of retirement, when other men of equal merit are denied that privilege.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEHLBACH. Will the gentleman yield?

Mr. CONNALLY of Texas. Now, I want to yield to the gentleman from New Jersey in a moment. Now, this is not right. Why did you give General McCawley two years, or whatever it may be, credit that he may retire? You say he is more efficient than any other man in the Marine Corps and, therefore, you want to retire him, get rid of him, kick him out, give him additional time.

Mr. BUTLER. Has not the gentleman lashed me sufficiently?

Mr. CONNALLY of Texas. Oh, no; that is not the reason. The reason is that until they get rid of General McCawley they could not get some other fellow on the roll up another notch and put a star on his shoulders.

Mr. LEHLBACH. Will the gentleman yield?

Mr. CONNALLY of Texas. I will.

Mr. LEHLBACH. I want to say to the gentleman that this bill like all other bills is accompanied by a printed report available to all Members of the House.

Mr. CONNALLY of Texas. I thank the gentleman for the information.

Mr. LEHLBACH. I want to ask the gentleman from Texas whether he thinks he is treating the committee fairly when he says that they have been deceiving the House by this language in the bill, because on page 35 of the report it is distinctly stated that this is in favor of General McCawley.

Mr. CONNALLY of Texas. Oh, I did not mean that. No one would undertake to deceive the gentleman from New Jersey. What I meant was that so far as this language in the bill is concerned, it does not show upon its face in whose favor it was. I was not talking about the report. This language did not deceive anybody.

Mr. LEHLBACH. Then, why did the gentleman from Texas ask the gentleman from Pennsylvania to whom it referred, when he could have read it in the report?

Mr. CONNALLY of Texas. Well, it was easier for the gentleman from Pennsylvania to state it, and I knew he would tell the truth about it. If I had seen the gentleman from New Jersey sitting over there with the report in his hand I should have asked him.

Mr. BUTLER. Now, I will state to the gentleman from Texas that this is rather an exceptional provision. I am willing to admit to my friend that it is a bit of selfishness, but it is the only one in the bill. Now, will not my friend, after he has lambasted me as he has, vote for the provision?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUTLER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CARTER. Mr. Chairman, I want to call the attention of the gentleman from Pennsylvania to the fact that the numbers of the sections ought to be changed.

Mr. BUTLER. I think that may be done in the House.

The CHAIRMAN. Without objection, the Clerk will make the necessary changes in the numbering of the paragraphs.

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania.

Mr. CONNALLY of Texas. Mr. Chairman, I was on my feet offering an amendment to the bill. I move to strike out section 21.

The CHAIRMAN. The Chair thinks that the gentleman was too late, but the Chair will recognize the gentleman for that purpose.

Mr. CONNALLY of Texas. I offer the following amendment.

The Clerk read as follows:

Page 19, strike out all of lines 10 to 19, inclusive.

The CHAIRMAN. The question is on the motion of the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were 38 ayes and 82 noes.

So the amendment was rejected.

The motion of Mr. BUTLER was then agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2688) providing for sundry matters affecting the naval service, and for other purposes, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BUTLER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I offer the following motion to recommit.

Mr. CONNALLY of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is either gentleman a member of the Committee on Naval Affairs?

Mr. CONNALLY of Texas. I am not.

Mr. BLANTON. I am not.

Mr. CONNALLY of Texas. But I am against the bill, Mr. Speaker.

The SPEAKER. Is the gentleman from Texas [Mr. BLANTON] against the bill?

Mr. BLANTON. I am.

The SPEAKER. The Chair will recognize the gentleman from Texas [Mr. CONNALLY] to offer his motion to recommit.

Mr. CONNALLY of Texas. Mr. Speaker, I offer the following motion to recommit to strike out section 21.

The SPEAKER. The gentleman from Texas offers the motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. CONNALLY of Texas moves to recommit the bill to the Committee on Naval Affairs with instructions to report the bill back forthwith with the following amendment: "Strike out all of section 21, page 19 of the bill."

Mr. BLANTON. Mr. Speaker, I offer the following substitute for the motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

Substitute motion to recommit by Mr. BLANTON.

Mr. BLANTON. Mr. Speaker, I move to recommit this bill to the Committee on Naval Affairs with instructions to report the same back to the House forthwith with the following amendments, to wit: On page 9, line 9, strike out "fifty" and insert in lieu thereof "sixty," and in the same line strike out "forty-five" and insert in lieu thereof "sixty"; and on page 10, in line 12, strike out "fifty-six" and insert in lieu thereof "sixty"; and on page 11, in line 17, strike out all of lines 17 to 24, inclusive, and insert in lieu thereof the following:

The Secretary of the Navy shall submit to the Court of Claims such of the claims as he may investigate under this authority as may be found to possess merit, accompanied by a comprehensive presentation of the facts in each case, but such findings so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government: *Provided*, That jurisdiction be, and the same is hereby, conferred upon the Court of Claims to hear and determine all of such cases so submitted to it by the Secretary of the Navy.

Mr. BEGG. Mr. Speaker, I make the point of order against the motion to recommit.

The SPEAKER. The gentleman will state his point of order.

Mr. BEGG. It is not germane to the bill.

The SPEAKER. Does the gentleman mean to the amendment or to the bill?

Mr. CHINDBLOM. It is certainly not germane to the amendment.

Mr. BEGG. It is not germane to the bill as a substitute amendment, and it is not germane to the Connally amendment. If it is not germane to the bill, of course the point of order would lie to the fact that it is not germane to the Connally amendment.

Mr. BLANTON. Mr. Speaker, it provides along the very line of the bill for an adjudication of claims. The only difference is that instead of referring the report of the Secretary of the Navy back to Congress the Secretary of the Navy sends it to the Court of Claims. It is clearly germane.

The SPEAKER. What does the gentleman say about its being germane to the motion of the gentleman from Texas [Mr. CONNALLY]?

Mr. BLANTON. Oh, that was the suggestion made by the gentleman from Illinois [Mr. CHINDBLOM].

The SPEAKER. The gentleman from Ohio also made the point of order, though perhaps at the suggestion of the gentleman from Illinois.

Mr. BLANTON. A substitute does not have to be germane to the amendment which it seeks to amend.

The SPEAKER. The Chair sustains the point of order.

Mr. GARRETT of Tennessee. Mr. Speaker, I move the previous question on the motion of the gentleman from Texas.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit the bill.

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were—ayes 45, noes 83.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 111, noes 15.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote upon that ground.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 283, nays 34, and not voting 115, as follows:

[Roll No. 5]

YEAS—283

Abernethy	Curry	Jacobstein	Murphy
Ackerman	Dallinger	James	Nelson, Me.
Aldrich	Darrow	Johnson, Wash.	Newton, Minn.
Allen	Davis, Minn.	Jost	Newton, Mo.
Allgood	Deal	Kearns	Nolan
Andrew	Dempsey	Kelly	O'Connell, N. Y.
Arnold	Dickinson, Iowa	Kendall	O'Connell, R. I.
Aswell	Dickinson, Mo.	Kerr	O'Connor, La.
Ayres	Dickstein	Ketcham	O'Connor, N. Y.
Bacharach	Doughton	Kiess	O'Sullivan
Bacon	Dowell	Kindred	Oldfield
Barbour	Drane	King	Oliver, Ala.
Beers	Driver	Knutson	Oliver, N. Y.
Begg	Dyer	Kopp	Paige
Bell	Elliott	Kurtz	Patterson
Bixler	Evans, Iowa	Kvale	Peery
Black, N. Y.	Evans, Mont.	LaGuardia	Perkins
Bland	Fairfield	Lampert	Perlman
Bloom	Faust	Larsen, Ga.	Prall
Boies	Favrot	Lazaro	Purnell
Boyce	Fisher	Lea, Calif.	Quayle
Boylan	Fleetwood	Leach	Ragon
Brand, Ga.	Foster	Leatherwood	Rainey
Brand, Ohio	Frear	Leavitt	Raker
Briggs	Free	Lehlbach	Ramseyer
Britten	Freeman	Lindsay	Ransley
Browne, N. J.	French	Lineberger	Rathbone
Browne, Wis.	Frothingham	Linthicum	Rayburn
Browning	Fulbright	Longworth	Reece
Brumm	Fuller	Lozier	Reed, N. Y.
Buchanan	Funk	Luce	Reid, Ill.
Bulwinkle	Garrett, Tenn.	Lyon	Richards
Burtness	Gasque	McClintic	Robinson, Iowa
Burton	Gibson	McDuffie	Robsion, Ky.
Butler	Gifford	McFadden	Romjue
Byrnes, S. C.	Glatfelter	McLaughlin, Mich.	Rubey
Byrns, Tenn.	Goldsborough	McLaughlin, Nebr.	Salmon
Campbell	Graham	McReynolds	Sanders, N. Y.
Cannon	Green	MacGregor	Sanders, Tex.
Carew	Griest	MacLafferty	Sandlin
Carter	Guyer	Magee, N. Y.	Scott
Casey	Hadley	Magee, Pa.	Sears, Nebr.
Celler	Hall	Major, Ill.	Sears, Fla.
Chindblom	Hardy	Major, Mo.	Seger
Christopherson	Harrison	Mapes	Shreve
Clague	Hastings	Mead	Simmons
Clancy	Hawes	Michener	Sinclair
Cleary	Hawley	Miller, Wash.	Sinnott
Cole, Iowa	Hayden	Milligan	Sites
Collier	Hersey	Minahan	Smith
Colton	Hickey	Montague	Snell
Connery	Hill, Ala.	Mooney	Speaks
Connolly, Pa.	Hill, Md.	Moore, Ga.	Spearing
Cooper, Ohio	Hill, Wash.	Moore, Ohio	Sproul, Ill.
Cramton	Hoch	Moore, Va.	Sproul, Kans.
Crisp	Holaday	Moores, Ind.	Stedman
Croll	Hooker	Morgan	Stengle
Cullen	Hudson	Morris	Stephens
Cummings	Hudspeth	Morrow	Strong, Kans.

Strong, Pa.	Tillman	Voigt	Williamson
Summers, Wash.	Timberlake	Wainwright	Wilson, La.
Swank	Treadway	Ward, N. Y.	Wingo
Sweet	Tucker	Wason	Winter
Swing	Tydings	Watkins	Wolff
Taber	Underhill	Watres	Wood
Tague	Underwood	Weaver	Woodruff
Taylor, Tenn.	Vaile	Wefald	Woodrum
Taylor, W. Va.	Vare	Welsh	Wurzbach
Temple	Vincent, Mich.	Wertz	Yates
Thatcher	Vinson, Ga.	White, Kans.	Zihlman
Thomas, Okla.	Vinson, Ky.	Williams, Ill.	

NAYS—34

Beck	Crosser	Lanham	Schafer
Blanton	Davis, Tenn.	Lankford	Shallenberger
Bowling	Fulmer	Lowrey	Steagall
Box	Gardner, Ind.	McKeown	Stevenson
Busby	Garner, Tex.	McSweeney	Sumners, Tex.
Canfield	Huddleston	Park, Ga.	Williams, Tex.
Collins	Johnson, Tex.	Peavey	Wilson, Miss.
Connally, Tex.	Jones	Quin	
Cooper, Wis.	Kincheloe	Rouse	

NOT VOTING—115

Almon	Gallivan	Logan	Rosenbloom
Anderson	Gambrill	McKenzie	Sabath
Anthony	Garber	McLeod	Sanders, Ind.
Bankhead	Garrett, Tex.	McNulty	Schall
Barkley	Geran	McSwain	Schneider
Beedy	Gilbert	Madden	Sherwood
Berger	Greenwood	Manlove	Smithwick
Black, Tex.	Griffin	Mansfield	Snyder
Buckley	Hammer	Martin	Stalker
Burdick	Haugen	Merritt	Sullivan
Cable	Howard, Nebr.	Michaelson	Swoope
Clark, Fla.	Howard, Okla.	Miller, Ill.	Taylor, Colo.
Clarke, N. Y.	Hull, M. D.	Mills	Thomas, Ky.
Cole, Ohio	Hull, W. E.	Moore, Ill.	Thompson
Cook	Hull, Iowa	Morehead	Tilson
Corning	Hull, Tenn.	Morin	Tincher
Crowther	Humphreys	Nelson, Wis.	Tinkham
Davey	Jeffers	O'Brien	Upshaw
Denison	Johnson, Ky.	Parker	Vestal
Dominick	Johnson, S. Dak.	Parks, Ark.	Ward, N. C.
Doyle	Johnson, W. Va.	Phillips	Watson
Drewry	Kahn	Porter	Weller
Eagan	Keller	Pou	White, Me.
Edmonds	Kent	Rankin	Williams, Mich.
Fairchild	Kunz	Reed, Ark.	Wilson, Ind.
Fenn	Langley	Reed, W. Va.	Winslow
Fish	Larson, Minn.	Roach	Wright
Fitzgerald	Lee, Ga.	Rogers, Mass.	Wyant
Fredericks	Lilly	Rogers, N. H.	

So the bill was passed.

The Clerk announced the following pairs:

General pairs:

Mr. Johnson of South Dakota with Mr. Jeffers.
Mr. Rogers of Massachusetts with Mr. Rogers of New Hampshire.
Mr. Fenn with Mr. Garrett of Texas.
Mr. McLeod with Mr. Corning.
Mr. Watson with Mr. Clark of Florida.
Mr. Anthony with Mr. Sherwood.
Mr. Fredericks with Mr. Kunz.
Mr. Denison with Mr. Mansfield.
Mr. Mills with Mr. Bankhead.
Mr. Snyder with Mr. Morehead.
Mr. Porter with Mr. Johnson of Kentucky.
Mr. Madden with Mr. Gallivan.
Mr. Winslow with Mr. Doyle.
Mr. Fairchild with Mr. Parks of Arkansas.
Mr. Tincher with Mr. Barkley.
Mr. Swoope with Mr. Ward of North Carolina.
Mr. Parker with Mr. Gambrill.
Mr. Clarke of New York with Mr. McNulty.
Mr. Manlove with Mr. Weller.
Mr. Morton D. Hull with Mr. Drewry.
Mr. McKenzie with Mr. Gilbert.
Mr. Vestal with Mr. Wilson of Indiana.
Mr. Morin with Mr. Black of Texas.
Mr. White of Maine with Mr. Almon.
Mr. Michaelson with Mr. Lilly.
Mr. Hull of Iowa with Mr. O'Brien.
Mr. Thompson with Mr. Geran.
Mr. Sanders of Indiana with Mr. Davey.
Mr. Moore of Illinois with Mr. Kent.
Mr. Stalker with Mr. Buckley.
Mr. Keller with Mr. Johnson of West Virginia.
Mr. William E. Hull with Mr. Cook.
Mr. Reed of West Virginia with Mr. McSwain.
Mr. Wyant with Mr. Dominick.
Mr. Williams of Michigan with Mr. Lee of Georgia.
Mr. Anderson with Mr. Eagan.
Mr. Merritt with Mr. Rankin.
Mr. Beedy with Mr. Logan.
Mr. Crowther with Mr. Greenwood.
Mr. Edmonds with Mr. Howard of Nebraska.
Mr. Miller of Illinois with Mr. Upshaw.
Mr. Cable with Mr. Hull of Tennessee.
Mr. Fish with Mr. Martin.
Mr. Phillips with Mr. Howard of Oklahoma.
Mr. Roach with Mr. Pou.
Mr. Fitzgerald with Mr. Hammer.
Mr. Garber with Mr. Thomas of Kentucky.
Mr. Schall with Mr. Sabath.
Mr. Kahn with Mr. Wright.
Mr. Larson of Minnesota with Mr. Humphreys.
Mr. Tinkham with Mr. Smithwick.
Mr. Haugen with Mr. Griffin.
Mr. Rosenbloom with Mr. Sullivan.
Mr. Cole of Ohio with Mr. Taylor of Colorado.
Mr. Schneider with Mr. Reed of Arkansas.
Mr. Nelson of Wisconsin with Mr. Berger.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. BUTLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRIVILEGES OF THE HOUSE

Mr. CONNALLY of Texas. Mr. Speaker, I rise to a question affecting the privileges of the House.

The SPEAKER. The gentleman from Texas will state it.

Mr. CONNALLY of Texas. I have just been informed that this afternoon in the course of the deliberation on this bill the Naval Committee has had an admiral of the Navy here on the floor of the House advising, helping, and directing this legislation, and I want to inquire if that is true if the rules do not——

The SPEAKER. The Chair is responsible for it. The Naval Committee asked the Chair if they could bring—the Chair did not know it was an officer of the Navy, but a civilian—somebody familiar with the bill on the floor. The Chair said they could. The Chair thinks it is the custom of a committee to bring somebody who is familiar——

Mr. CONNALLY of Texas. I was not talking about a civilian, but an admiral of the Navy, and my understanding is the Judge Advocate of the Navy has been here this afternoon.

The SPEAKER. The Chair does not know——

Mr. CONNALLY of Texas. I am asking——

Mr. BRITTEN. By direction of the committee on yesterday I asked the Speaker of the House if that committee might have the services of a civilian employee of the Navy Department to help us in the consideration and passage of the reserve bill, which is a very complicated bill, and the Speaker said that if we did not have a clerk on the floor we were entitled to bring in a Government employee.

Mr. CONNALLY of Texas. I ask the gentleman if he knows whether or not Admiral Latimer has not been here on the floor during the progress of this naval bill this afternoon?

Mr. BRITTEN. He has not.

Mr. CONNALLY of Texas. He was in the cloakroom?

Mr. BRITTEN. Yes; he was called up twice on my account.

Mr. CONNALLY of Texas. That is part of the floor of the House.

Mr. BRITTEN. A gentleman on that side asked if an amendment he had prepared would be acceptable to me. I said I thought the language of the bill was best but that I would ask the Judge Advocate General of the Navy, Admiral Latimer.

Mr. CONNALLY of Texas. He is not a civilian?

Mr. BRITTEN. No.

Mr. CONNALLY of Texas. That is not the man to whom the Speaker referred. I am not objecting to a civilian, but I am talking about admirals being on the floor of the House. My information is that one of the employees of this House said he saw on the floor and in the cloakroom——

Mr. BRITTEN. He was in the cloakroom, but not on the floor or the aisles of the floor.

Mr. CONNALLY of Texas. The cloakroom is generally recognized as part of the Chamber.

Mr. GARRETT of Tennessee. Mr. Speaker, of course it was a violation of the rules of the House for anyone to be in the cloakroom as much as to be upon the floor, because the rule applies to the cloakroom just as it applies to the floor of the House.

Mr. BRITTEN. If that is so, I am very sorry and am entirely responsible for the infringement, but I thought I was doing something to help along the consideration of the bill.

Mr. GARRETT of Tennessee. Section 2, Rule XXIII, says:

> There shall be excluded at all times from the Hall of the House of Representatives and the cloakrooms all persons not entitled to the privilege of the floor during the session, except that until 15 minutes of the hour of the meeting of the House persons employed in its service, accredited members of the press entitled to admission to the press gallery, and other persons on request of Members, by card or in writing, may be admitted.

That is, 15 minutes before the hour of meeting.

Mr. BRITTEN. If the gentleman from Tennessee will yield, my good friend from Tennessee knows that rule is being violated practically every day by Members on both sides. They have children around here, grown children.

Mr. GARRETT of Tennessee. Well, I did not know of that. I have seen young children come upon the floor of the House occasionally, and, of course, I have seen on public days, upon some extraordinary occasion, people push their way in who are not entitled to the privileges of the floor; but certainly when a legislative proposition is brought up, I say this with all possible respect, it is particularly—well, I think the rule ought to be enforced. I will not be stronger than that. Now, Mr. Speaker, I do not wish to embarrass the committee or the Speaker touching the gentleman who is on the floor now, a civilian employee of the Navy, but I think that only the clerk of the committee having legislation is entitled to the privileges of the floor—I think that is what the rule says—and without any desire to embarrass the committee or to embarass the Speaker, I think——

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. KING. I want to ask the gentleman if that practice was not established in the days of former Postmaster General Burleson, who occupied the Democratic cloakroom most of the time?

Mr. GARRETT of Tennessee. The Postmaster General as an ex-Member was entitled to the privileges of the floor, and as a member of the Cabinet he was entitled to the privileges of the floor.

Mr. KING. He was here as a lobbyist, as the whip for the Democratic administration.

Mr. JOHNSON of Washington. Does not the gentleman from Tennessee think that his suggestion respecting the rule as to admissions to the floor, that it be limited to clerks, should be broadened so as to admit those who serve on the Legislative Drafting Committee and who help the clerks and committees in the preparation of certain legislation?

Mr. GARRETT of Tennessee. That is a question that might be taken into consideration in connection with the next revision of the rules. Perhaps it ought to be broadened; I do not know. There is no rule that is made more ironclad than the rule as to the admissions to the floor. It even goes so far as to say, and that provision was made in order to protect the Chair from embarrassment; it was adopted, I think, first in the days of Speaker Reed—it goes so far as to say that it is not in order to ask unanimous consent that any person be admitted to the floor who is not entitled to the privilege.

The SPEAKER. The Chair was asked yesterday by one of the members of the committee if they could have on the floor a civilian employee of the Navy who had aided them in drafting the bill. The Chair, not remembering that that was contrary to the rules and knowing that it had often been done, said it could be done here. But hereafter, if it is the desire of the House, the Chair will undertake to enforce that rule strictly.

Mr. CONNALLY of Texas. My question and objection do not concern so much the social qualities of the admiral, but we are at this time considering legislation in which the admiral was probably interested; at least he was here as a part of the naval force, and I think if he wants to advise the committee or if they want to advise with him they can advise with him out in the hall. It is not necessary for him to sit in the cloakroom. They ought at least to get along for a few minutes without consulting their naval authorities.

Mr. BRITTEN. Mr. Speaker, may I say to the gentleman that the distinguished gentleman from Virginia [Mr. MOORE] had submitted to me an amendment which he proposed to offer to the bill. I was looking for Admiral Latimer, and I told one of the boys in the cloakroom to find him. My purpose was to consult the admiral.

Mr. CONNALLY of Texas. That accentuates my suggestion. The gentleman did not know whether he was for or against the amendment. He felt he must consult the admiral. [Laughter.]

Mr. BRITTEN. That is a funny way to put it. The proposed amendment merely clarified the section.

MATTERS AFFECTING THE NAVAL SERVICE

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PATTERSON. Mr. Speaker and gentlemen of the committee, millions of dollars, probably billions, were wasted by the United States Government in the prosecution of the World War. A great amount of this money was lost because we were not prepared as a Nation for war and in the hurry and confusion of getting ready unscrupulous contractors took advantage of the situation and made huge profits at the expense of the taxpayers. They got theirs while the getting was good. But it is not my purpose to attempt to rake up any of the scandals connected with the saturnalia of extravagance that was so prevalent during the duration of the great conflict. That is past and gone and it is probably best to let the dead past bury its dead and not attempt to revive unpleasant memories.

It is rather my purpose to call the attention of Congress to the fact that in the hurry and excitement of the war period in some instances injustice was done to some contractors by the Government, and a conspicuous instance of this is the case of the New York Shipbuilding Co., of Camden, N. J., in connection with the construction of battleship No. 42, now in the service of the country under the name of the *Idaho*. This vessel is one of the newest and best ships of our fleet, and at present represents a loss to the contractors of approximately $2,000,000. For five years now the New York Shipbuilding Co. has been endeavoring to secure an adjustment of a portion of this loss, which was caused directly by the orders of Government officials to speed up work on the vessel during the war, but so far their efforts have not met with any success. Under the terms of section 9 of the pending omnibus naval bill it may be possible to adjust the claim of this contractor, but in my opinion this is very doubtful and in consequence I have introduced at this session H. R. 9969 for the relief of the New York Shipbuilding Co. in connection with the losses sustained by that contractor in the construction of the battleship *Idaho*. The claim, in my judgment, is a perfectly proper one and has been indorsed by Secretary of the Navy Josephus Daniels and his successor Secretary of the Navy Edwin Denby and other high officials of the Navy Department.

The battleship *Idaho* has met every test and requirement of the Government and is the same type of vessel as the battleship *Washington*, so recently destroyed in accordance with the terms of the disarmament conference. You are all familiar with the difficulty that was encountered in sinking the unprotected *Washington*. She was so staunchly constructed that it seemed almost impossible to destroy her, and if the test should ever come the enemy would find that the *Idaho* was equally as well built as the *Washington*, and when manned by an American crew would never succumb to the shell fire of a hostile fleet. I am merely comparing the staunchness of the *Idaho* and the *Washington* as concrete evidence of the sort of work turned out by the New York Shipbuilding Co. This corporation has been established for a quarter of a century in my home city and has built many of the best vessels in the American Navy. It is not a fly-by-night contractor but a responsible corporation headed by patriotic men of ability and integrity, and when they make a claim for reimbursement against the Government the public may rest convinced that the claim is an honest one and possesses merit that can be backed up with the facts. The builders of the *Idaho* are not asking for any profit on their work. They are merely asking the Government to reimburse them for the losses that they sustained by reason of being made to pay increased wages and overtime when ordered to hasten the completion of the *Idaho* so that she might be made available for service in the World War.

The contract for the *Idaho* was not a cost-plus contract but a flat, fixed-price contract made November 9, 1914—over 10 years ago—with the New York Shipbuilding Corporation. Delivery of this ship was made on time on March 24, 1919, the three-year delivery date originally fixed by the contract having been extended by the Navy Department because of contingencies beyond the control of the builders. The contract price was $7,250,000 flat and was based on estimates made in accordance with labor and material conditions then prevailing. Between the contract date, November 9, 1914, and the delivery date, March 24, 1919, many things happened to upset and dislocate the contractor's estimates under which the $7,250,000 bid had been made.

At the outset it is important to note that this bill does not afford relief to the contractor for the many increased costs during this period, the risk of which is always inherent in any business transaction and which amounted of themselves to over $700,000. This bill seeks to give the contractor relief only for such increased costs as were due to the two factors of cost which the Government itself set in operation and to which the contractor had no choice except to submit, namely:

First. Increased wages paid to workmen on this fixed-price contract. These increases do not grow out of any contract between the men and the contractor but were imposed upon the contractor by the so-called Macy Board, an emergency agency of the war, created by a contract between governmental department officials and labor unions to control and stabilize the wages of men engaged in Government work in shipyards

so as to insure continuous work on Government contracts. (See Official Bulletin of August 25, 1917.) The Macy Board not only increased the wages of these men but even directed that the increases should be retroactive for months prior to the dates of the awards. These increases did not prejudice contractors on the great majority of strictly war contracts placed on a cost-plus basis or for a fixed price that called for adjustments in accordance with changing labor rates but did work havoc with nonwar-time flat, fixed-price contracts in yards which were concurrently engaged in governmental war work.

Second. Overtime wages paid to workmen by direction of the Government in order to expedite this contract. The Government adopted at the outset of the war a policy of expediting the construction of destroyers, battleships, and merchandise vessels, leaving cruisers, scout ships, and so forth, for later deliveries. To secure this expedition "overtime" was directed on this class of work. Back in 1914 "overtime" was not permitted under the provisions of the *Idaho* contract, in line with all previous peace-time contracts. The contractor was then expressly forbidden by the Government contracts to permit any laborer to work more than eight hours per day. With the severe pressure of war coming on in 1917, however, eight-hour construction work was done away with by proclamation of the President, and contractors were directed to employ overtime on all work which the Government desired expedited. This caused no grievance to a contractor on a cost-plus basis; but to a contractor who, prior to the war, had made a flat fixed-price contract with no thought of overtime—rather being forbidden to employ overtime—the use of overtime work meant that he was paying time and a half for his labor without any increase in the contract price of the ship unless the Government, as any other shipowner would direct his builder, directed him to use overtime work with the promise of later adjustment. This was the fact in connection with the New York Shipbuilding Corporation contract—that is, there was an implied contract arising under the facts to repay the contractor the amount of any such increased cost.

The difficulty now is that such directions for "overtime," given in the excitement and pressure of war, while in no way indefinite, did not have all the formality of statutory authorized transactions.

Therefore, when the contract was completed, owing to statutes affecting Government work, administrative difficulties arose in the settlement of the accounts, which the officials have held did not permit them to pay the New York Shipbuilding Corporation anything in excess of the fixed price of the ship and such additions as are so-called "changes" expressly provided for in the contract, although the officials acknowledge the inherent justice of the claim. This bill is to correct such injustice created by administrative limitations forced by the deficiencies of present statutes.

WAGE INCREASES

In August, 1917, the "Shipbuilding Labor Adjustment Board," popularly called the Macy Board, was organized under an agreement concluded between representatives of the Navy Department, the Emergency Fleet Corporation, and the American Federation of Labor, for the purpose of adjusting disputes arising during the war in the shipyards of the country where Government work was being performed.

This board made an award on February 14, 1918, as to wages and hours of work in the shipyards of the Delaware River district, which included the yard of the New York Shipbuilding Corporation. This award not only made a substantial increase in the rate of wages, but also made this increase retroactive to November 2, 1917.

Upon receiving notice of this award, the New York Shipbuilding Corporation telegraphed to the Secretary of the Navy, as follows:

> Do you authorize us to pay our men on Navy work according to findings of Shipbuilding Wage Adjustment Board. We have been ordered by Emergency Corporation to make increases awarded and can not discriminate.

The Secretary of the Navy replied:

> Referring to your message of February 19, the department expects to reimburse contractors for unavoidable increases of cost due to adoption of wage adjustment board scale, these matters to be treated as changes on the fixed-price contracts. Submit increases to department for approval.

Acting on this assurance of the Navy Department that it would be reimbursed for the increase in cost caused thereby, the New York Shipbuilding Corporation adopted the new scale of wages and also paid the retroactive increases fixed by the board from November 2, 1917, to February 25, 1918, the retroactive increases due to this one award alone amounting to about $125,000.

Wages were again increased by the Macy Board on November 16, 1918, and these increases, which were made retroactive to October 7, 1918, were also paid by the New York Shipbuilding Corporation.

The increase in cost due to these awards was submitted by the New York Shipbuilding Corporation to the Navy Department from time to time, and at the end of the contract an audit was made by the Navy Department fixing the amount of increased cost due to wage increases allowed by the Macy Board at $992,322.50. In a case which the Navy Department considered similar the Comptroller of the Treasury had ruled that he could not authorize additional compensation due to increase in labor cost which was not provided for under the terms of the contract. In consequence, the Comptroller ruled that the New York Shipbuilding Corporation could be paid only $120,513.55 of the amount claimed, and the latter amount was allowed as "changes" and payable as such as an authorized cost under the contract. For the balance of $871,808.95 (of the total $993,333.50), audited increase, the New York Shipbuilding Corporation has not yet been reimbursed in accordance with the agreement of the Navy Department because of the ruling of the Comptroller of the Treasury, and it can not be reimbursed by the Navy until there is a statute enacted authorizing such payment.

The increases in wages which are the subject of this controversy do not include any increases that were granted by reason of agreements between employer and employee, of which increases there were a substantial amount, but only those which were due solely to the express war-time emergency directions of the Government, under the control which the Government assumed in August, 1917, over shipyard labor.

In the last two sessions of Congress this matter has been before the House Committee on Naval Affairs in connection with a bill for the relief of contractors generally (H. R. 2688), and in its report on this bill the committee referred to the claim of the New York Shipbuilding Corporation as a notable example of the cases meriting relief on account of the injustice occasioned by the ruling which the Comptroller of the Treasury felt obliged to make in limiting payments to amounts covered by the original contracts.

OVERTIME

The claim also provides for reimbursement to the New York Shipbuilding Corporation for payments made by it to employees in excess of regular-time rates for overtime work on the battleship *Idaho*, employed at the direction or with the authorization and approval of the officers of the Government.

Immediately prior to and after the entry of this country into the war every effort was made by the Navy Department to expedite work on this battleship, and the contractor was urged by telegrams from the Navy Department and by verbal instructions from the officers in the yard to expedite the work in every possible way, and in a telegram of March 21, 1917, the department suggested that the "question of change of cost be settled as a change under the contract." Therefore the contractor began to employ and continued to employ "overtime" on this contract whenever possible to meet the demands of the Navy Department, with its full knowledge, acquiescence, and approval. The contractor submitted bills for the increased cost of this work from time to time to the department in the belief that the increased cost occasioned thereby would be paid. The "overtime" employed on this contract by the contractor, at the insistence of the department, for speed in the construction of the battleship, and with the approval of the department, was not with a view of enabling the contractor to deliver the ship "on time"—March 24, 1919. This date, as a matter of fact, was determined upon long after the ship was actually delivered and independently of and in no way connected with the claim of New York Shipbuilding Corporation for increased cost due to the overtime work directed by the department, nor was the extension of the original delivery date to the actual delivery date in any way conditioned upon a waiver by the contractor of such claim. The contractor was not employing this "overtime" to meet a then known date of delivery. It was using overtime work because the Government desired it in the interest of the Navy. The contractor still had in reserve many grounds for extending the delivery date, even beyond March 24, 1919, had it been necessary to fall back upon them.

The increased cost of governmental sanction of overtime work has been calculated by the New York Shipbuilding Corporation at upward of $315,000. As already indicated, the original contract figures were based on the denial of any

overtime whatsoever, at anybody's request, or in anybody's interest. The New York Shipbuilding Corporation has requested the Navy Department to audit such amount, and it is reasonable to expect an early fixing by audit of the amount of this claim.

The increased cost of this battleship, by reason of wage increases and "overtime" alone, caused a loss to the contractor on this contract of over $1,300,000. From other causes, "business risks," the contractor lost about $700,000. This $1,300,000 loss the Government has either expressly or impliedly agreed to repay to the contractor, and it constitutes both a moral and a legal obligation of the Government. Only the peculiar technical requirements surrounding Government contracts prevent a present payment, which in ordinary business would be honored at once.

Under the stress of war conditions, orders and instructions of the Government were at once carried out in good faith and without question by the New York Shipbuilding Corporation, without insisting on a formal written agreement, and without awaiting further formal legislative sanction, which the Comptroller now finds necessary. Through the expedited construction of this naval work the Nation had both a material and moral advantage and benefit, and such construction gave confidence to the Nation and was a threat to the enemy. The contractor, however, has not yet been reimbursed for the loss it sustained at the direction of the Government in making this result possible. The loss caused to the contractor by its reliance on such governmental direction should be paid by the Government, and it is for that purpose that this bill is urged for passage.

NAVAL RESERVE AND MARINE CORPS RESERVE

Mr. BRITTEN. Mr. Speaker, by direction of the Committee on Naval Affairs I desire to call up the bill H. R. 9634, No. 385 on the Union Calendar.

The SPEAKER. The gentleman from Illinois calls up the bill H. R. 9634, on the Union Calendar, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve.

The SPEAKER. This bill is on the Union Calendar. The gentleman from New Jersey [Mr. LEHLBACH] will please take the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9634, which the Clerk will report.

The Clerk again read the title of the bill.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, I would like to ask unanimous consent that we dispense with the usual time of debate for and against the bill, and for this reason: Unless the bill is passed this afternoon, it will not became a law for two years to come. This is our last day on the floor. We had one day during the first session of Congress. If this reserve corps bill is not finished to-day, it will not be passed and enacted into law during this session of Congress, because we will not have another opportunity to present it to the House. Because of that fact, Mr. Chairman, I move that the usual debate on the bill be dispensed with.

Mr. BLANTON. That is not in order.

The CHAIRMAN. The motion can not be made. Does the gentleman desire to reserve his time?

Mr. BRITTEN. Yes.

The CHAIRMAN. Is there anyone desiring to speak in opposition to the bill? If not, the Clerk will read the bill for amendment.

Mr. BRITTEN. Mr. Chairman, for the benefit of the record, I want to say just a few words as to the necessity for a trained body of citizen-sailors who may be called upon in time of emergency to augment the personnel of the regular naval establishment.

Once upon a time, in the history of civilization, there was a period when wars between contending powers were carried on almost entirely by professional military men, both ashore and afloat, and the results of conflict were largely decided by the numbers and efficiency of these specialists on the one side or the other. It thus came about that the sizes of the various military establishments, maintained permanently and ostensibly for the national defense, increased until in the course of time a limit was reached in the burden they imposed upon the people; greater permanent establishments could not thereafter be maintained and the people continue to thrive. Then, at that point, greater strength in conflict was gained by the citizens themselves becoming warriors temporarily; until now the actual waging of wars is in no sense confined to the professional warriors, but is engaged in by the entire populations of contending nations, in one form or another.

To-day, no great nation can afford to maintain an army or a navy of sufficient size to meet its war-time needs, nor indeed to meet its probable needs during even the first shock of war. Leaving out of consideration the dangerous militaristic tendencies in the policies of the nation such a great permanent armed force might entail, such a force is impossible for any nation through the sheer force of economic necessity. All the great nations therefore find themselves obliged to maintain reserves of officers and men especially trained and immediately available in case of sudden emergency, but who derive their means of sustenance from other lines of endeavor, who are producers rather than consumers so far as the wealth of the nation is concerned. So that to-day we find England and Japan and all the great powers maintaining reserves for their armies and navies, immediately available in case of necessity and especially trained during short intensive periods of annual training, but who are engaged in useful pursuits during the balance of the year.

This bill relates entirely to the reserve forces required for the United States Navy. The reserve forces for the United States Army were provided for in the national defense act of 1916 under the provisions of which our National Guard and the Organized Reserves of the Army are maintained. The national defense act, as later modified from time to time, was used as a model in drafting this bill to a very large extent and so far as the provisions of that act are applicable to training for service in the Navy.

All great wars during the past 50 years have come about with terrible suddenness; the tendency of aggressor nations is to strike before the intended victim has time to mobilize her defenses. If we should unhappily become engaged in war with any of the great powers of the world, from which I devoutly pray the providence of God may ever deliver us, the first blow must be struck on the ocean, the first great effort must be for the mastery of the seas, for without that the transportation of men and munitions overseas will be practically impossible. Immediately war becomes imminent, there are certain things we must do at once in order to bring our forces afloat up to the greatest possible strength.

(a) We must increase the number of officers and men on our battleships, cruisers, destroyers, and so forth up to their war-time complements.

(b) We must place the fighting vessels—cruisers, destroyers, and so forth—now out of commission and laid up at the various navy yards into commission, officer and man them, and join them up with the fleet to meet the enemy.

(c) We must man and commission the auxiliary vessels now out of commission.

(d) We must open up training camps and shore stations where additional men obtained by draft or otherwise may be trained for duties afloat as the war progresses, and we must provide the instructors and officers for these institutions.

(e) We must furnish officers and men for such miscellaneous activities as inspectors of ordnance and engineering and other material on shore, personnel administration on shore, radio activities, intelligence service, and many other technical duties.

As stated, the officers and men for these positions can not be maintained in the regular Naval Establishment; they must come from the civilian population, and in order to be effective, they must be at least partially trained in the duties they will be expected to perform. Under our present ideals of personal liberty this training and preparation must be voluntary on the part of those taking it; it must therefore not only be effective but also to a certain degree attractive.

In the act of August 29, 1916, Congress provided for a Naval Reserve Force, and this act as modified by the act of July 1, 1918, and certain subsequent acts is still in effect. The Naval Reserve Force created by the act of August 29,

1916, did not have time to function as a peace-time organization before our entry into the war, and during the course of the war it grew to tremendous size; at the conclusion of the war there were 21,985 officers and 273,094 men on the rolls of the Naval Reserve Force. As these men were released from active service an attempt was made to form them into various drilling organizations, but due to lack of facilities such as armories, and so forth, and lack of funds for securing these facilities, and also due to the fact that attendance at drills was not made a prerequisite for the payment of retainer pay until the act of 1920, and also due to the fact that following their demobilization most of these reservists were in a measure satiated with martial affairs, satisfactory results were not obtained.

Then in efforts to remedy this situation certain additional enactments were made from year to year, but while these enactments did help very materially they also lead to varying interpretations as to their real meaning when taken in conjunction with laws already in existence, with consequent adverse comptroller's decisions and general dissatisfaction.

In September of 1921 the Navy Department, finding it impossible to carry on the Naval Reserve Force then in existence in the manner prescribed by law and with the amount appropriated for that purpose for the fiscal year 1922, disenrolled the entire Naval Reserve Force, excepting that small class comprising ex officers and men of the regular Navy, known as class 1, and those of the other classes who voluntarily transferred to the inactive class, known as the volunteer class, where they were not required to drill or train and obligate funds. A board of experienced naval officers, comprising 3 rear admirals, 2 captains, and 1 lieutenant commander, was called to make a thorough study of the entire Naval Reserve situation and to make recommendations as to remedial measures; this board met over a period of several weeks, and its deliberations were participated in by Naval Reserve officers of experience in Naval Reserve and Naval Militia affairs. The bill which we are now considering is based on the very complete findings and recommendations of that board; it was prepared by the department and then carefully considered, in the years following the report of the board, by both representatives of the Navy Department and representatives of the Naval Reserve Force until it finally reached its present form, which, so far as I am able to ascertain, is satisfactory to the department and to the Naval Reserve Force; and, I may add, is also entirely satisfactory to the Committee on Naval Affairs, which urges its enactment.

After the submission of report by this board just referred to, and pending the enactment of remedial legislation, it was desired to carry on the reserve as a going organization so far as possible, utilizing those members who remained in the reserve by transfer to the inactive class and with such recruits as could be obtained. Sufficient money was appropriated for the fiscal year 1923 to resume activities on a small scale, and the amounts appropriated for the succeeding years permitted continuing Naval Reserve activities and training in a modest way; and these have been going forward with increasing intensity and satisfaction until we now have 107 drilling organizations scattered through the country, but mostly on the seaboard, carrying 1,963 officers and 13,642 men on their rolls, and with a total reserve force of 4,014 officers and 16,990 men, exclusive of those transferred men of the Fleet Naval Reserve of 16 and 20 years' service.

These various organizations are provided with armories and with arms and equipment; armory drills are held at least once each week. The drill period of one and a half hours is devoted to Infantry, Artillery, great guns, and so forth, and to instruction by classes in seamanship, ordnance, navigation, engineering, electricity, radio, signaling, and so forth. Officers of the regular Navy, such as recruiting officers and hydrographic officers, who are performing shore duty in the vicinity of drilling organizations, are given additional duty as instructors-inspectors of those organizations.

A total of 56 vessels, mostly Eagle boats and gunboats, have been assigned to the exclusive use of these organizations. These are utilized for instructional purposes while alongside dock, and also for short week-end cruises, and the annual period of 15 days' active training duty afloat is generally performed on board these vessels. These 15-day cruises are carried on up and down the coasts and on the Great Lakes all summer long. Aviation training is given to qualified aviators at the regular aviation stations and on shipboard. Three Naval Reserve aviation training stations have been established for the purpose of training new blood, officer material, to become aviation officers in the reserve. These stations are located at Boston, Brooklyn, N. Y., and Chicago. The training given at these stations involves a course of ground instruction, 10 hours' dual flight with instructor, and 30 hours' solo flight, including formation flying, stunting, and so forth, after which the student aviator is given an additional course of instruction lasting about 45 days at a regular aviation station, when he is ready for commissioning as ensign aviator in the Naval Reserve Force.

Naval militia organizations were being maintained in some 22 States and Territories and the District of Columbia in August, 1916, when the present Naval Reserve Force was born. These organizations were simply naval battalions attached to the volunteer militias of the various States. The act of February 16, 1914, prescribed certain standards that these organizations should conform to in order to obtain Federal assistance in the way of loans of equipment, and so forth. The act of August 29, 1916, federalized these naval militia organizations by bringing them into the Naval Reserve Force as a distinct class, called the National Naval Volunteers. The act of July 1, 1918, abolished the National Naval Volunteers and transferred all the members thereof to class 2 of the Naval Reserve Force. In the years immediately following the war, when it was so hard to carry on Naval Reserve activities, several of the States returned to their pre-war naval militia organizations; these organizations again received Federal recognition in the appropriation bill for the year 1921–22, wherein it was provided that these organizations should form a part of the Naval Reserve Force, and the Secretary of the Navy was authorized to provide for their wants in the way of loans of equipment, and so forth, provided the members of these organizations were also members of the Naval Reserve Force. This provision, enacted on a year-to-year basis, has been contained in each of the regular appropriation bills since that time.

In section 28 of this bill we are proposing to continue this arrangement indefinitely. Members of these organizations are also naval reservists; they receive nothing from the Federal Government that they would not be entitled to receive solely as naval reservists. They receive certain appropriations from their States for administrative and armory expenses, and the Federal Government is relieved to that extent; they receive nothing from the States for personal remuneration for drill attendance or active duty. These charges are met by the Federal Government under their status as naval reservists. The individual States benefit by having these naval militia organizations available for State militia duty, and the Federal Government benefits by having them available in case of war and is relieved of part of their expense of maintenance.

These Naval Reserve activities are going forward in the face of discouraging conditions, due principally to defects in existing law. The fundamental law under which this force now operates was enacted immediately preceeding our entrance into the World War. During the war certain faults in the original law developed and attempt was made to remedy them by the act of July 1, 1918. Since the war certain other faults have developed and attempts have been made to correct them by additional legislation, generally carried in appropriation measures, and there are certain other faults which are now being complained of by the Navy Department and by the naval reservists themselves—until we now have a hodgepodge of laws, subject to various interpretations which lead to loss of interest, morale, and efficiency on the part of the Naval Reserve Force. The principal objectionable features in the present law it is necessary to remedy are as follows:

(A) Existing law requires performance of three months' active duty before a reservist can be paid for drill attendance. Money is appropriated on the basis of giving each reservist 15 days active duty for training per year, and 15 days per year is generally the limit of vacation given reservists by their employers in civil life, during which they can take active duty for training. On this basis it would take a recruit coming into the Naval Reserve Force six years to get what is now given a National Guardsman the moment he starts drilling; and it is, therefore, impossible to attract and utilize the very ones it is imperative to have if the organization is to remain in existence; that is, young men, new blood. In order to correct this it is necessary to give drill pay, as is done in the National Guard, for drill attendance, without regard to previous service.

(B) Existing laws require active training afloat before pay can be given for drill attendance. It is desired to require active duty afloat, but not to make the penalty for failure to take such training afloat forfeiture of drill pay, which tends to discourage any further training whatever, but to make it discretionary with the Secretary of the Navy, allowing him to use his judgment as to whether the delinquent may have failed to train for good and sufficient reasons beyond his own con-

trol, or whether the delinquent might better be transferred to the inactive class of the Naval Reserve or disenrolled altogether.

(C) The pay of naval reservists for drill attendance is unduly high for those in the higher grades and of long service as compared with the National Guard. It is desired to place their drill pay on a parity with the National Guard.

(D) Existing laws do not allow subsistence to reservists while performing volunteer duty afloat without pay, thereby discouraging such duty; it is desired to remedy this by giving them what the National Guard receive for similar duty, such as duty on target range.

(E) Existing laws do not allow "military leave" to naval reservists who are Government employees; it is desired to place them on a parity in this respect with the National Guard.

(F) Existing laws are subject to various interpretations due to their multiplicity and varying provisions. It is desired to repeal all and make a fresh start, so that it may be known exactly where we stand.

In short, in properly and economically building up a Naval Reserve Force new legislation is required, and of such an extensive nature that it seems well to reorganize the whole Naval Reserve Force rather than to attempt to correct existing legislation.

The following are the high points of this bill:

It takes away no privileges now enjoyed by any classes of the Naval Reserve Force, except it provides that instead of retainer pay there shall be pay for service; this will result in somewhat less pay for officers in the higher grades.

It establishes a Marine Corps Reserve absolutely on a parity with the Naval Reserve.

It repeals all old laws which have been so difficult of interpretation.

It establishes in the Naval Reserve the same grades, ranks, and ratings as exist in the regular Navy.

Officers are commissioned at the pleasure of the President, as are officers of the regular Navy, and enlistments of men are established for the same period as enlistments in the regular Navy.

It provides that no officer or man shall be discharged except for full and sufficient cause.

Officers and men are placed under the same laws in time of war or national emergency as are officers and men of the regular Navy.

It permits commissioned grades up to commodore.

It authorizes the appointment of a certain number of midshipmen to the Naval Academy from the Naval Reserve.

It provides for promotion in time of war up to the grade of lieutenant commander with running mates of the line, and by selection for ranks above that of lieutenant commander.

It places naval reservists injured in line of duty while performing active duty under orders, on a parity with civil service employees suffering similar injuries.

It provides for pay for drills, training, and active duty, based on the pay allowed the National Guard.

It does away with confirmation in grade and provides that drill training or active duty pay shall begin upon appointment or enlistment.

It provides for a liberal uniform allowance.

It provides for an honorary retired list without pay upon reaching the age of 64.

It provides that men enlisting in the Naval Reserve within four months after their discharge from the regular Navy lose none of the benefits of continuous service.

It safeguards the interests of enlisted men of the regular Navy who have been transferred to the Fleet Naval Reserve after 16 and 20 years' service, and provides the same privileges for men at present in the Navy.

It provides subsistence for volunteer duty afloat without pay.

It provides a means for absorbing into the Naval Reserve men discharged from the Navy after one 4-year enlistment.

In addition to the Fleet Reserve, it establishes a Merchant Marine Naval Reserve and a Volunteer Naval Reserve.

It gives reservists who are employees of the United States the same leave of absence for training duty that is now granted the National Guard.

It provides for the continuance of the Naval Militia of the various States as a part of the Naval Reserve.

These various provisions are embodied in the 39 sections of this bill. With this general statement as to the aims of the bill and the remembrance that the first three sections wipe out of existence the present Naval Reserve Force and transfer it bodily over into the new reserve herein created, and also wipe out all existing laws relating to the Naval Reserve Force, the necessity and reasons for the many provisions contained in the various sections will not require much further elucidation.

The Clerk read the bill.

Mr. WILLIAMSON (when the Clerk had concluded reading the bill). Mr. Chairman, I move to strike out the last paragraph. Yesterday, under leave to extend, the gentleman from Oklahoma [Mr. HOWARD] inserted in the RECORD a letter written him by one Hugh Murphy, grossly maligning the Hon. Charles H. Burke, Commissioner of Indian Affairs. There follows a long statement purporting to have been made by this man Murphy.

The Committee on Indian Affairs has been authorized to investigate the administration of Indian affairs in Oklahoma among the Five Civilized Tribes. My judgment is that when this investigation is completed you will find that the crooks in connection with the matter referred to in the statement will be found outside of the Indian Office and not within it.

Mr. Chairman, I would like to ask the Clerk to read a very short letter.

The Clerk read as follows:

DECEMBER 10, 1924.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. SNYDER: I notice in the CONGRESSIONAL RECORD of yesterday that this office is charged, through a Member of the House of Representatives, with maladministration of Indian affairs in Oklahoma. Having been warned that we would be attacked if we continued to insist upon the enactment of legislation, now pending, with a view of stopping graft by dishonest attorneys and others who have defrauded Indians, and in many instances Indian children, I assume that these charges are carrying out the threat.

There should be an immediate investigation, and as your committee is clothed with full authority to investigate, I most respectfully and earnestly request not only an investigation of these charges but of every phase of the conduct and administration of this office during my incumbency as commissioner. Fortunately, sufficient authority is given your committee, under the resolution adopted by the House of Representatives on June 4, 1924, to make the investigation that I urge you to make. I ask that the one purporting to be the author of the charges filed, and the witnesses he names, be immediately called before the committee.

Very respectfully,

CHAS. H. BURKE, *Commissioner.*

Mr. WILLIAMSON. I withdraw my amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. BRITTEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. BRITTEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SPEARING for 25 days from December 13, 1924, on account of important business elsewhere.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Thursday, December 11, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

721. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Essington Channel, Pa.; to the Committee on Rivers and Harbors.

722. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Manasquan Inlet, N. J.; to the Committee on Rivers and Harbors.

723. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Suwanee River, Fla.; to the Committee on Rivers and Harbors.

724. A letter from the Secretary of War, transmitting a recommendation that the House of Representatives pass S. 2848, Sixty-eighth Congress, first session, "An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co."; to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 10352. A bill to extend the time for completing the construction of a bridge across the Delaware River; without amendment (Rept. No. 1036). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10509) granting an increase of pension to Virginia Griffith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10510) granting an increase of pension to Bridget O'Brien; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10511) granting an increase of pension to Mary L. Minesinger; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10512) granting an increase of pension to Mary M. Oney; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 10587) to amend the seventieth article of war; to the Committee on Military Affairs.

Also, a bill (H. R. 10588) to authorize the sale of a certain portion of Lookout Mountain battle field, Chickamauga and Chattanooga National Military Park; to the Committee on Military Affairs.

By Mr. MACGREGOR: A bill (H. R. 10589) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on the Civil Service.

By Mr. THOMAS of Oklahoma: A bill (H. R. 10590) authorizing the Secretary of the Interior to sell certain land to provide funds to be used in the purchase of a suitable tract of land to be used for cemetery purposes for the use and benefit of members of the Kiowa, Comanche, and Apache Tribes of Indians; to the Committee on the Public Lands.

By Mr. HAWES: A bill (H. R. 10591) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: A bill (H. R. 10592) to amend an act entitled, "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."; to the Committee on the Public Lands.

By Mr. WILLIAMS of Michigan: A bill (H. R. 10593) creating a Federal marketing board to encourage and aid in the formation of cooperative marketing associations, cooperative clearing-house associations, and terminal market associations handling agricultural products; to correlate the activities of such associations; to develop efficient and economical methods of distributing and marketing such products, and for other purposes; to the Committee on Agriculture.

By Mr. LAGUARDIA: A bill (H. R. 10594) to place Reserve and National Guard flyers on an identical status to that of flyers of the Regular Establishment in case of accident in line of duty, and amend sections 37a, 47b, and 112 of the national defense act as amended; to the Committee on Military Affairs.

By Mr. DICKSTEIN: A bill (H. R. 10595) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. BURTNESS: A bill (H. R. 10596) to extend the time for commencing and completing the construction of a dam across the Red River of the North; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY: A bill (H. R. 10597) providing for the purchase of a site and the erection thereon of a public building at Carrollton, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10598) providing for the purchase of a site and the erection thereon of a public building at Toronto, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10599) providing for the purchase of a site and the erection thereon of a public building at Cadiz, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10600) providing for the purchase of a site and the erection thereon of a public building at Wellsville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10601) providing for the purchase of a site and the erection thereon of a public building at East Palestine, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10602) providing for the purchase of a site and the erection thereon of a public building at Barnesville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. ACKERMAN: A bill (H. R. 10603) to remit the duty on a carillon of bells imported for St. Peter's Church, Morristown, N. J.; to the Committee on Ways and Means.

By Mr. CRAMTON: A bill (H. R. 10604) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; to the Committee on Education.

By Mr. LYON: A bill (H. R. 10605) to authorize the establishment of a Coast Guard station on the coast of North Carolina at or in the vicinity of Wrightsville Beach; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 10606) to provide for the punishment of deported aliens who return to the United States; to the Committee on Immigration and Naturalization.

By Mr. BURTON: A bill (H. R. 10607) to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America; to the Committee on Ways and Means.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 306) for survey of public-school needs in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALLINGER: Resolution (H. Res. 376) authorizing the sum of $250 to be paid to Edward F. Jenifer; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 10608) granting an increase of pension to William P. Knowlton; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 10609) for the relief of George W. Ogan; to the Committee on Military Affairs.

Also, a bill (H. R. 10610) granting an increase of pension to Abbie Osborn; to the Committee on Pensions.

By Mr. COOK: A bill (H. R. 10611) to correct the military record of Estle David; to the Committee on Military Affairs.

By Mr. CROLL: A bill (H. R. 10612) granting a pension to Annie M. Heckaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10613) granting a pension to Florence M. Lineaweaver; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 10614) granting an increase of pension to William C. Pelster; to the Committee on Pensions.

Also, a bill (H. R. 10615) granting an increase of pension to James H. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 10616) granting an increase of pension to Christina Mullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10617) granting an increase of pension to Mary J. Smith; to the Committee on Invalid Pensions.

By Mr. EVANS of Iowa: A bill (H. R. 10618) granting a pension to Harrison R. Crecelius; to the Committee on Pensions.

Also, a bill (H. R. 10619) granting a pension to Agnes Rayburn; to the Committee on Pensions.

Also, a bill (H. R. 10620) granting a pension to Maggie Brown; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 10621) for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 10622) granting an increase of pension to Martha A. Howe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10623) granting an increase of pension to Elmira H. Streeter; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 10624) to enlarge the powers of the Washington Hospital for Foundlings, and to enable it to accept the devise and bequest contained in the will of Randolph T. Warwick; to the Committee on the District of Columbia.

By Mr. HAYDEN: A bill (H. R. 10625) for the relief of Leon E. Adle; to the Committee on Claims.

By Mr. MACLAFFERTY: A bill (H. R. 10626) granting an increase of pension to John E. Markley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10627) granting a pension to Elizabeth Lancaster; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 10628) granting an increase of pension to James Holley; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 10629) granting an increase of pension to Margaret Y. Teters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10630) for the relief of Washington County, S. C. Kile estate, and Martha Frye estate; to the Committee on Claims.

By Mr. PATTERSON: A bill (H. R. 10631) for the relief of Harold G. Billings; to the Committee on Naval Affairs.

By Mr. ROGERS of Massachusetts: A bill (H. R. 10632) granting a pension to Mary J. Hodgkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10633) granting a pension to Adaline R. Springer; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 10634) granting a pension to Gertie Riley; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 10635) granting a pension to Mary J. Alton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10636) granting a pension to Lucy J. Wright Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10637) granting an increase of pension to Lucinda E. Spillman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10638) granting a pension to Stella May Wagner; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 10639) granting an increase of pension to Thomas W. Botkin; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 10640) granting an increase of pension to Mary E. Wakefield; to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 10641) for the relief of Johanna B. Weinberg; to the Committee on Claims.

By Mr. VAILE: A bill (H. R. 10642) granting an increase of pension to Harriett L. Steele; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 10643) granting an increase of pension to Edmund P. Miller; to the Committee on Pensions.

By Mr. ZIHLMAN: Resolution (H. Res. 377) to pay E. V. Wilmer and Claude Warren one month's salary; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3135. By the SPEAKER (by request): Petition of Army and Navy Union, U. S. A., Boston, Mass., favoring proposed legislation increasing pensions of Civil and Spanish War veterans and their widows and children; to the Committee on Pensions.

3136. By Mr. CONNERY: Petition of L'Union St. Jean-Baptiste D'Amerique, protesting against the passage of any legislation tending to establish a Federal bureau of education; to the Committee on Education.

3137. Also, petition of Kearsarge Association of Naval Veterans, urging the construction of a cruiser for the United States Navy to be named the *Kearsarge;* to the Committee on Naval Affairs.

3138. By Mr. CULLEN: Petition of Democratic County Committee of New York County, heartily approving of the postal salary bill (S. 1898) and urging its passage by Congress at the present session; to the Committee on the Post Office and Post Roads.

3139. By Mr. DICKINSON of Missouri: Petition of Opal G. Cochrane, Mrs. Ida Remer, W. P. Ellis, Miss Florence Bishop, L. J. Cassidy, Mrs. Nancy J. Cochrane, et al., 67 names in all, of Eldorado Springs, Mo., for keeping separate church and State, but against the passage of the compulsory Sunday observance bill (S. 3218) or any other religious legislation now pending; to the Committee on the District of Columbia.

3140. By Mr. GUYER: Petition of various citizens of Miami County, Kans., urging the enactment of legislation increasing widows' pensions to $50 per month, and for pioneer and homeless widows of the veterans of the Civil War to $72 per month; to the Committee on Invalid Pensions.

3141. Also, petition of various citizens of Iola, Kans., protesting the passage of the compulsory Sunday observance bill (S. 3218), or any other religious legislation; to the Committee on the Judiciary.

3142. By Mr. LYON: Petition of certain citizens of Wilmington, N. C., opposing the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3143. By Mr. MACGREGOR: Petition of Democratic County Committee, county of New York, urging the enactment into law of Senate bill 1898; to the Committee on the Post Office and Post Roads.

3144. By Mr. MOONEY: Petition of Cleveland City Council, Cleveland, Ohio, urging Congress to enact into law Senate bill 1898; to the Committee on the Post Office and Post Roads.

3145. By Mr. O'CONNELL of New York: Petition of the Lions Club of Jamaica, Long Island, N. Y., favoring the postal salary increase bill; to the Committee on the Post Office and Post Roads.

3146. By Mr. SINNOTT: Petition of residents of Gresham, Oreg., and residents of Multnomah County, Oreg., protesting against the passage of Senate bill 3218; also residents of Pleasant Home, Oreg., protesting against the passage of Senate bill 3218; to the Committee on the District of Columbia.

3147. By Mr. SITES: Affidavits accompanying House bill 10576, granting an increase of pension to certain persons; to the Committee on Invalid Pensions.

3148. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana County, Pa., opposed to the compulsory Sunday observance bill and any other national religious legislation; to the Committee on the District of Columbia.

3149. By Mr. TAGUE: Petition of officers and members of the Kearsarge Association of Naval Veterans, Boston, Mass., urging Congress to construct a cruiser for the United States Navy to be named the *Kearsarge;* to the Committee on Naval Affairs.

3150. Also, petition of Army and Navy Union, Boston, Mass., favoring proposed legislation to increase the pensions of Civil and Spanish War veterans and their widows and children; to the Committee on Pensions.

SENATE

THURSDAY, *December 11, 1924*

(*Legislative day of Wednesday, December 10, 1924*)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

SENATOR FROM IOWA

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of election of Mr. SMITH W. BROOKHART for the term of six years beginning the 4th day of March, 1925.

It is necessary to make an observation in respect to this matter. Some days ago I laid before the Senate a certificate of election of Mr. BROOKHART supposing it to be addressed to the President of the Senate. I find that the certificate formerly laid before the Senate is a certificate addressed to Mr. BROOKHART individually. So this certificate will be printed in the RECORD and filed with the Secretary of the Senate, and the junior Senator from Iowa [Mr. BROOKHART] is at liberty, if he chooses to do so, to withdraw from the files of the Senate the former certificate.